

**SB 494 by Benacquisto;** (Identical to H 0445) Time Limitations

**SB 526 by Bradley;** Sexual Offenses

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676612	A	S	RCS	CJ, Bradley	Delete L.711 - 714:	01/13 05:39 PM

**SB 528 by Evers;** Sex Offenses

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**CRIMINAL JUSTICE**  
**Senator Evers, Chair**  
**Senator Smith, Vice Chair**

**MEETING DATE:** Monday, January 13, 2014

**TIME:** 4:00 —6:00 p.m.

**PLACE:** *Mallory Horne Committee Room, 37 Senate Office Building*

**MEMBERS:** Senator Evers, Chair; Senator Smith, Vice Chair; Senators Altman, Bradley, Dean, Gibson, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 494</b> Benacquisto (Identical H 445)	Time Limitations; Eliminating time limitations to the prosecution of specified criminal offenses relating to lewd or lascivious battery, molestation, conduct, or exhibition against a child if the victim was younger than 16 years of age at the time of the offense, etc.  CJ 01/13/2014 Favorable JU AP	Favorable Yeas 6 Nays 0
2	<b>SB 526</b> Bradley	Sexual Offenses; Revising and creating offenses involving sexual battery; revising and creating offenses involving lewd or lascivious battery and molestation; assigning new offense severity rankings for lewd or lascivious molestation and sexual battery offenses; providing that sentence points are multiplied for specified sex offenses committed by an adult upon a minor under certain circumstances; authorizing a state attorney to move a court to make a written finding that an offense was a sexually motivated offense under certain circumstances; prohibiting award of gain-time for certain offenses; requiring split sentence for certain sexual offenses, etc.  CJ 01/13/2014 Fav/CS JU AP	Fav/CS Yeas 6 Nays 0
3	<b>SB 528</b> Evers	Sex Offenses; Providing that voluntary disclosure of specified information waives a disclosure exemption for such information; requiring disclosure of additional information during the sexual predator registration process; adding additional offenses to the list of sexual offender qualifying offenses; providing criminal penalties for knowingly providing false registration information by act or omission; revising the criteria applicable to provisions that allow removal of the requirement to register as a sexual offender or sexual predator; updating provisions of the offense severity ranking chart of the Criminal Punishment Code to reflect prior changes in the law, etc.  CJ 01/13/2014 Favorable JU AP	Favorable Yeas 6 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Criminal Justice

Monday, January 13, 2014, 4:00 —6:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: SB 494

INTRODUCER: Senator Benacquisto

SUBJECT: Time Limitations

DATE: January 9, 2014

REVISED: 01/13/14

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Dugger	Cannon	CJ	<b>Favorable</b>
2.		JU	
3.		AP	

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**I. Summary:**

SB 494 eliminates the current statutory time limitation for bringing a criminal prosecution for lewd or lascivious offenses committed upon or in the presence of a child less than 16 years of age. (The current time limitation is three years for all such lewd or lascivious offenses except lewd or lascivious molestation punishable as a life felony. In that case, a criminal prosecution may be brought any time in the future.) Thus, prosecutions for lewd or lascivious battery, molestation, conduct, and exhibition that are currently punishable as second or third degree felonies will be able to be brought any time in the future for offenses committed on or after October 1, 2014.

**II. Present Situation:**

**Statutes of Limitation in Criminal Cases**

Section 775.15, F.S., sets forth time limitations for commencing criminal prosecutions, commonly known as “statutes of limitation.”

There were no statutes of limitation at common law. Rather, statutes of limitation are a statutory creation.<sup>1</sup>

In *State v. Hickman*, the court stated:

Statutes of limitation are construed as being acts of grace, and as a surrendering by the sovereign of its right to prosecute or of its right to prosecute at its discretion, and they are considered as equivalent to acts of amnesty. Such statutes are founded on the liberal theory that prosecutions should not be allowed to

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<sup>1</sup> *State v. McCloud*, 67 So. 2d 242, 243 (Fla. 1953).

ferment endlessly in the files of the government to explode only after witnesses and proofs necessary to the protection of accused have by sheer lapse of time passed beyond availability. They serve, not only to bar prosecutions on aged and untrustworthy evidence, but also to cut off prosecution for crimes a reasonable time after completion, when no further danger to society is contemplated from the criminal activity.<sup>2</sup>

The time for prosecution of a criminal case starts to run on the day after the offense is committed.<sup>3</sup> An offense is deemed to have been committed when either every element of the offense has occurred, or, if it plainly appears that the legislative purpose is to prohibit a continuing course of conduct, at the time when the course of conduct or the defendant's duplicity therein is terminated.<sup>4</sup>

Section 775.15, F.S., provides the following time limitations for initiating a criminal prosecution for a felony offense:

- For a capital felony, a life felony, a felony resulting in death,<sup>5</sup> any sexual battery on a victim under 16,<sup>6</sup> a first degree felony sexual battery on a victim under 18,<sup>7</sup> or a first or second degree felony sexual battery on a victim 18 years or older and the victim reports the crime to law enforcement within 72 hours,<sup>8</sup> there is no time limitation;
- For any felony that results in injury to a person when the felony arises from the use of a destructive device, a ten-year limitation applies;<sup>9</sup>
- For a first degree felony, a four-year time limitation applies;<sup>10</sup> and
- For any other felony, a three-year time limitation applies.<sup>11</sup>

The four and three-year time limitation periods are extended under the statute to five years for prosecutions involving securities transaction violations (ch. 517, F.S.), Medicaid provider fraud (s. 409.920, F.S.), insurance fraud by an employer (s. 440.105, F.S.), filing a false insurance claim (s. 817.234, F.S.), felony abuse against elderly persons or disabled adults (s. 825.102, F.S.), and environmental control felony violations (ch. 403, F.S.).<sup>12</sup>

In addition to these enumerated time periods, the offenses of sexual battery, lewd or lascivious acts, and certain other felony offenses<sup>13</sup> may be prosecuted at any time after the date on which the offender's identity is established, or should have been established through the exercise of due diligence, through the analysis of DNA evidence (except that for offenses committed between

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<sup>2</sup> *State v. Hickman*, 189 So. 2d 254, 262 (Fla. 2d DCA 1966).

<sup>3</sup> Section 775.15(3), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 775.15(1), F.S.

<sup>6</sup> Section 775.15(13)(c), F.S.

<sup>7</sup> Section 775.15(13)(b), F.S.

<sup>8</sup> Section 775.15 (13) and (14), F.S.

<sup>9</sup> Section 775.15(7), F.S.

<sup>10</sup> Section 775.15(2)(a), F.S.

<sup>11</sup> Section 775.15(2)(b), F.S.

<sup>12</sup> Section 775.15(8)-(11), F.S.

<sup>13</sup> These other felony offenses include aggravated battery or any felony battery offense under ch. 784, F.S., kidnapping or false imprisonment, sexual battery, lewd or lascivious offense, burglary, robbery, carjacking, and aggravated child abuse.

July 1, 2004 and June 30, 2006, an offender may be prosecuted within 1 year after the date on which the identity of the offender is established, or should have been established by the exercise of due diligence, through the analysis of DNA).<sup>14</sup>

Finally, if a victim of sexual battery, lewd or lascivious behavior, incest, “statutory rape” under former s. 794.05, F.S., or computer pornography is under the age of 18, the applicable period of limitation does not begin to run until the victim has reached the age of 18 or the violation is reported to a law enforcement or governmental agency, whichever occurs first.<sup>15</sup>

### **Lewd or Lascivious Offenses**

Section 800.04, F.S., proscribes several lewd or lascivious offenses committed upon or in the presence of children less than 16 years of age, including lewd or lascivious battery, molestation, conduct, and exhibition.<sup>16</sup>

***Lewd or lascivious battery*** occurs when a person engages in “sexual activity”<sup>17</sup> with a child 12 years or older but less than 16 years; or encourages, forces, or entices a child less than 16 years to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act of sexual activity.<sup>18</sup> Lewd or lascivious battery is punishable as a second degree felony.<sup>19</sup>

***Lewd or lascivious molestation*** occurs when a person intentionally touches, in a lewd or lascivious manner, the breasts, genitals, genital area, buttocks, or the clothing covering them, of a child less than 16 years, or forces or entices the child to so touch the perpetrator.<sup>20</sup> It is a life felony if this offense is committed on a child less than 12 years by an offender 18 years or older.<sup>21</sup> It is a second degree felony if the child is less than 12 years and the offender is less than 18 years, or if the child is 12 years or older but less than 16 years and the offender is at least 18 years. It is a third degree felony if the child is 12 years or older but less than 16 years and the offender is less than 18 years.<sup>22</sup>

***Lewd or lascivious conduct*** occurs when a person intentionally touches a child less than 16 years in a lewd or lascivious manner or solicits a child to commit a lewd or lascivious act. If the

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<sup>14</sup> Subsections 775.15(15) and (16), F.S.

<sup>15</sup> Section 775.15(13)(a), F.S.

<sup>16</sup> Section 800.04(4)-(7), F.S.

<sup>17</sup> “Sexual activity” is defined as oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; except for acts done for bona fide medical purposes. Section 800.04(1), F.S.

<sup>18</sup> Section 800.04(4), F.S.

<sup>19</sup> The statutory punishment for a second degree felony is imprisonment not exceeding 15 years and a potential fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

<sup>20</sup> Section 800.04(5), F.S.

<sup>21</sup> If this offense is committed after September 1, 2005, it is punishable by imprisonment for life or a split sentence of not less than 25 years’ imprisonment and not exceeding life imprisonment, followed by probation or community control for life. If it is a second or subsequent offense committed after July 1, 2008, it is punishable by life imprisonment. Section 775.082(3)(a)4., F.S. The potential fine may not exceed \$10,000. Section 775.083, F.S.

<sup>22</sup> A third degree felony is punishable by imprisonment not exceeding 5 years and a potential fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

offender is 18 years or older, it is a second degree felony. If the offender is less than 18 years, it is a third degree felony.<sup>23</sup>

***Lewd or lascivious exhibition*** occurs when a person, in the presence of a child less than 16 years, intentionally masturbates, exposes the genitals in a lewd or lascivious manner, or intentionally commits any other sexual act that does not involve actual physical or sexual contact with the child. If the offender is 18 years or older, it is a second degree felony. If the offender is less than 18 years, it is a third degree felony.<sup>24</sup>

The only lewd or lascivious offense that does not currently have a statutory time limitation for bringing a criminal prosecution is lewd or lascivious molestation that is punishable as a life felony.<sup>25</sup> All the others have a three year time limitation because they are punishable as second or third degree felonies.<sup>26</sup> However, the three year time limitation does not begin to run until the victim has reached the age of 18 or the violation is reported to a law enforcement or governmental agency, whichever occurs first.<sup>27</sup>

### III. Effect of Proposed Changes:

The bill eliminates the current statutory time limitation for bringing a prosecution for lewd or lascivious offenses committed upon or in the presence of a child less than 16 years. (The current time limitation is three years for all such lewd or lascivious offenses except lewd or lascivious molestation punishable as a life felony. In that instance, a prosecution may be brought any time in the future.) Thus, under the bill, prosecutions for lewd or lascivious battery, molestation, conduct, and exhibition that are currently punishable as second or third degree felonies will be able to be brought any time in the future for offenses committed on or after October 1, 2014.

The bill will take effect on July 1, 2014.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>23</sup> Section 800.04(6), F.S.

<sup>24</sup> Section 800.04(7), F.S.

<sup>25</sup> See footnote 5.

<sup>26</sup> See footnote 11.

<sup>27</sup> See footnote 15.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

There could be an increase in the number of persons subjected to criminal punishment for lewd or lascivious offenses as a result of this bill.

**C. Government Sector Impact:**

The Criminal Justice Impact Conference has not met to consider whether this bill will have any impact on prison beds.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 775.15 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.



By Senator Benacquisto

30-00067-14

2014494\_\_

A bill to be entitled

An act relating to time limitations; amending s.  
775.15, F.S.; eliminating time limitations to the  
prosecution of specified criminal offenses relating to  
lewd or lascivious battery, molestation, conduct, or  
exhibition against a child if the victim was younger  
than 16 years of age at the time of the offense;  
providing applicability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (18) is added to section 775.15,  
Florida Statutes, to read:

775.15 Time limitations; general time limitations;  
exceptions.—

(18) (a) If the offense is a violation of s. 800.04 and the  
victim was younger than 16 years of age at the time the offense  
was committed, a prosecution of the offense may be commenced at  
any time.

(b) Paragraph (a) applies to any offense committed on or  
after October 1, 2014.

Section 2. This act shall take effect July 1, 2014.

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Appropriations, *Vice Chair*  
Appropriations Subcommittee on Education  
Appropriations Subcommittee on Health  
and Human Services  
Banking and Insurance  
Education  
Ethics and Elections  
Gaming  
Governmental Oversight and Accountability  
Rules

## SENATOR LIZBETH BENACQUISTO

*Majority Leader*  
30th District

December 20, 2013

The Honorable Greg Evers  
Senate Criminal Justice, Chair  
308 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399



**RE: SB 494 – Time Limitations**

Dear Mr. Chair:

Please allow this letter to serve as my respectful request to agenda SB 494, Relating to Time Limitations, for a public hearing at your earliest convenience.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,



Lizbeth Benacquisto  
Senate District 30

Cc: Amanda Cannon

## REPLY TO:

- ☐ 1926 Victoria Ave, 2nd Floor, Fort Myers, Florida 33901 (239) 338-2570
- ☐ 330 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/13/2014

Meeting Date

Topic \_\_\_\_\_

Bill Number 494

(if applicable)

Name Brian Pitts

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title Trustee

Address 1119 Newton Ave S.

Street

St. Petersburg

City

FL

State

33705

Zip

Phone 727/897-9291

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☒ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/13/14  
Meeting Date

Topic Time Limitations

Bill Number 494  
(if applicable)

Name Keri Silver

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address PO Box 1565  
Street  
Tallahassee FL 32302  
City State Zip

Phone 850-624-2394

E-mail Keri@Draybornconsultants.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Sheriffs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: CS/SB 526

INTRODUCER: Criminal Justice Committee and Senator Bradley

SUBJECT: Sexual Offenses

DATE: January 13, 2014

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Erickson	Cannon	CJ	Fav/CS
2. _____	_____	JU	_____
3. _____	_____	AP	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 526 makes significant changes to punishment of sex offenders by enhancing minimum sentences and maximum penalties for several sexual battery and lewd offenses and eliminating incentive gain-time eligibility. The bill also authorizes a court finding that an offense was sexually motivated, mandates community supervision of sex offenders who do not receive the maximum prison sentence, and ensures that offenders who are in the custody of the Department of Children and Families (DCF) as part of the civil commitment process and who are subject to conditional release supervision or community supervision will serve that supervision upon release from DCF custody.

Specifically, the bill:

- increases minimum sentence length of adult-on-minor sex offenses sentenced under the Criminal Punishment Code by creating a new sentence point multiplier;
- increases the felony degree (providing for longer sentences) for certain sex offenses involving sexual battery, lewd battery, and lewd molestation when the offenses were committed by an adult upon a minor or involved a repeat sex offense;
- prohibits incentive gain-time for offenders convicted of certain sexual offenses;
- allows prosecutors to request that a sentencing court make a written finding that an offense was sexually motivated;
- requires courts to order community supervision (by means of a split sentence) for certain sex offenders after their release from prison; and

- suspends (or tolls) post-release supervision of offenders while in DCF custody as part of the civil commitment process.

## **II. Present Situation:**

### **Sex Offenses**

Florida law punishes sexual battery and lewd acts. The bill enhances the felony degree of a number of these sex offenses. This part of the analysis describes those sex offenses which are amended by the bill by enhancing the felony degree of the offenses.

It is a first degree felony<sup>1</sup> ranked in Level 9 of the Criminal Punishment Code offense severity ranking chart<sup>2</sup> for a person to commit sexual battery upon a person 12 years of age or older without that person's consent under any of the following circumstances:

- the victim is physically helpless to resist;
- the offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat;
- the offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future;
- the offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance that mentally or physically incapacitates the victim;
- the victim is mentally defective, and the offender has reason to believe this or has actual knowledge of this fact;
- the victim is physically incapacitated; or
- the offender is a certified law enforcement officer, correctional officer, or correctional probation officer or is an elected official exempt from such certification by virtue of s. 943.253, F.S., or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and the officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of government.<sup>3</sup>

It is a second degree felony<sup>4</sup> ranked in Level 8<sup>5</sup> for a person to commit sexual battery upon a person 12 years of age or older, without that person's consent if, in the process of committing the sexual battery, the offender does not use physical force and violence likely to cause serious personal injury.<sup>6</sup>

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<sup>1</sup> A first degree felony is generally punishable by up to 30 years in state prison. Section 775.082, F.S.

<sup>2</sup> Section 921.0022(3)(i), F.S. For a detailed discussion of level rankings, see the "Present Situation" section of this analysis.

<sup>3</sup> Section 794.011(4), F.S.

<sup>4</sup> A second degree felony is punishable by up to 15 years in state prison. Section 775.082, F.S.

<sup>5</sup> Section 921.0022(3)(h), F.S.

<sup>6</sup> Section 794.011(5), F.S.

It is a first degree felony ranked in Level 9 for a person who is in a position of familial or custodial authority to a person less than 18 years of age to engage in any act with that person while the person is 12 years of age or older but less than 18 years of age which constitutes sexual battery.<sup>7</sup>

It is a second degree felony ranked in Level 8 for a person to commit lewd or lascivious battery by:

- engaging in sexual activity with a person 12 years of age or older but less than 16 years of age; or
- encouraging, forcing, or enticing any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity.<sup>8</sup>

A person who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation.<sup>9</sup> It is a second degree felony ranked in Level 7<sup>10</sup> for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim 12 years of age or older but less than 16 years of age.<sup>11</sup>

### **Criminal Punishment Code/Sentence Point Multipliers**

The Criminal Punishment Code (Code)<sup>12</sup> is Florida's framework or mechanism for determining permissible sentencing ranges for noncapital felonies. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).<sup>13</sup> Points are assigned and accrue based upon the level ranking (sentence points escalate as the level escalates) assigned to the primary offense and, if applicable, additional offenses, prior offenses, prior capital felonies, victim injury, legal status violations, community sanction violations, possession of a firearm, and prior serious felonies.<sup>14</sup>

Points accrued for any of these factors are part of the subtotal sentence points. Additionally, those points may be multiplied if any of five "enhancements" apply (the primary offense must qualify for enhancement): a violation of the Law Enforcement Protection Act (LEPA); a relevant drug trafficking conviction; repeat motor vehicle theft; a criminal gang-related offense; or an offense involving domestic violence in the presence of a child. These "enhancements" are called point multipliers. With the exception of the drug trafficking multiplier, subtotal sentence points must be multiplied if the multiplier applies. For example, if points are assessed only for the

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<sup>7</sup> Section 794.011(8)(b), F.S.

<sup>8</sup> Section 800.04(4), F.S.

<sup>9</sup> Section 800.04(5)(a), F.S.

<sup>10</sup> Section 921.0022(3)(g), F.S.

<sup>11</sup> Section 800.04(5)(c)2., F.S.

<sup>12</sup> Sections 921.002-921.0027, F.S.

<sup>13</sup> A noncapital felony is ranked in one of two ways. The felony may be assigned a ranking by its placement in a specific ranking level in the Code's offense severity ranking chart. See s. 921.0022, F.S. However, if the offense is not ranked in the chart, it is assigned a ranking based on its felony degree as provided in s. 921.0023, F.S.

<sup>14</sup> See 921.0024, F.S. Further discussion of Code sentencing is based on provisions of this statute, unless otherwise noted.

primary offense and an additional offense and the primary offense is manslaughter in violation of LEPA, the applicable LEPA multiplier is 2.0. This multiplier doubles the subtotal sentence points accrued for the primary offense plus the additional offense.

Total sentence points are derived from the subtotal sentence points. If no multiplier applies, the subtotal sentence points are the total sentence points; if a multiplier applies, the total sentence points are the subtotal sentence points as multiplied by the multiplier.

If total sentence points are less than or equal to 44 points, the lowest permissible sentence is any nonstate prison sanction (e.g., probation). Generally, the sentencing range is a nonprison sanction up to the maximum penalty for the felony degree of the primary offense.<sup>15</sup> For example, the maximum penalty for a third degree felony is 5 years in state prison. With one exception, the court may sentence the offender within the range of a nonprison sanction up to 5-years imprisonment. Sentences for multiple offenses may be imposed concurrently or consecutively.

The exception is when total sentence points are 22 points or less and the primary offense is a nonforcible felony that meets criteria in s. 775.082(10), F.S. In this case, there is no sentencing range. The court must impose a nonprison sanction, unless the court makes a written finding that such sentence would be a danger to the public.

If total sentence points are greater than 44 points, those points are subtracted from 28. This total is then multiplied by 0.75 to determine the lowest permissible sentence in prison months.<sup>16</sup> For example, if an offender's primary offense is a second degree felony and his or her total sentence points are 80 points, the 80 points are subtracted from 28, which equals 52 points. The 52 points are then multiplied by 0.75, which equals 39 months in prison. In this example, absent mitigation,<sup>17</sup> the sentencing range is 39 months in state prison up to 15 years in state prison (the maximum penalty for a second degree felony).

Sentence point multipliers can enhance punishment in one of two ways. First, absent a multiplier, a defendant might not score sufficient points to score a lowest permissible sentence of imprisonment. With the multiplier, points may be sufficient to score a lowest permissible sentence of imprisonment. Second, for those offenders who do score a sentence of imprisonment as the lowest permissible sentence (even without a multiplier), the multiplication of points provides for a significantly longer minimum sentence of imprisonment than if points were not multiplied.

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<sup>15</sup> The maximum penalty for the felony degree is generally prescribed in s. 775.082, F.S. An exception is when the scored lowest permissible sentence exceeds the maximum penalty prescribed in s. 775.082, F.S. In this case, the scored lowest permissible sentence for the primary offense becomes both the minimum and maximum penalty for the primary offense.

<sup>16</sup> Mandatory minimum terms are an exception to general sentencing under the Code. "If the lowest permissible sentence is less than the mandatory minimum sentence, the mandatory minimum sentence takes precedence. If the lowest permissible sentence exceeds the mandatory sentence, the requirements of the ... Code and any mandatory minimum penalties apply." Rule 3.704(26) ("The Criminal Punishment Code"), Florida Rules of Criminal Procedure.

<sup>17</sup> The Code includes a list of 'mitigating' factors. See s. 921.0026, F.S. If a mitigating factor is found by the sentencing court, the court may decrease an offender's sentence below the lowest permissible sentence (a "downward departure"). A mandatory minimum term is not subject to these mitigating factors. See *State v. Vanderhoff*, 14 So.3d 1185 (Fla. 5th DCA 2009).



### **Incentive Gain Time**

The DOC may grant up to 10 days per month of incentive gain-time to certain inmates as a means of encouraging satisfactory behavior. For each month an inmate works diligently, participates in training, uses time constructively, or otherwise engages in positive activities, the DOC may grant incentive gain-time on the date the inmate committed the offense which resulted in the incarceration. For offenses committed on or after October 1, 1995, the total amount of incentive gain-time cannot result in release of an inmate before serving a minimum of 85 percent of his or her court imposed sentence.<sup>18</sup> Inmates sentenced to life imprisonment are not entitled to gain time unless granted a pardon or clemency.<sup>19</sup>

### **Sexually Violent Predators**

A sexually violent predator is a person who has been convicted of a sexually violent offense and who also suffers from a mental abnormality or personality disorder that makes him or her likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.<sup>20</sup> The Involuntary Civil Commitment of Sexually Violent Predators Act (Act) was passed in 1998 to address the treatment needs of these offenders.<sup>21</sup> The Act creates a civil commitment process for sexually violent predators that is similar to Baker Act procedures for involuntary commitment and treatment of mentally ill persons. The process is administered by the Sexually Violent Predator Program (SVPP), a unit of the Department of Children and Families (DCF).

Sexually violent predators who are committed to the state under the Act are detained and receive treatment at the Florida Civil Commitment Center (FCCC) in Arcadia until the court determines that they no longer meet the criteria to be considered a sexually violent predator. On November 30, 2013, the FCCC housed 575 civilly committed predators and 80 detainees awaiting completion of commitment procedures.

### **Tolling Of Supervision While Housed at the Florida Civil Commitment Center (FCCC)**

If a person who is civilly committed to the FCCC or detained in the FCCC while awaiting completion of civil commitment proceedings has been sentenced to a split sentence, the community supervision portion of the split sentence begins to run when the person is released from prison and continues to run while they are in the FCCC. In many cases, the Department of Corrections' community supervision sentence expires before they are released from the FCCC.

Currently, 185 offenders are serving community supervision in the FCCC. During the past fiscal year, six offenders had their sentences expire while in the FCCC and 20 offenders were released with a remaining period of community supervision.<sup>22</sup>

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<sup>18</sup> Section 944.275(4)(b)3., F.S.

<sup>19</sup> *Id.* Life imprisonment sentences are given to capitol felonies which include sexual battery or attempted sexual battery when the victim is less than 12 and the offender is 18 or older (s. 794.011(2)(a), F.S.) and lewd molestation when the victim is under 12 and the offender is an adult (ss. 800.04(5)(b) and 775.082(3)(a)4.a., F.S.).

<sup>20</sup> Section 394.912, F.S.

<sup>21</sup> Sections 394.910-394.932, F.S.

<sup>22</sup> E-mail from Will Kendrick, Legislative Director for the Department of Corrections (January 7, 2014) (on file with the Senate Committee on Criminal Justice).

## **Sex Offenders under Community Supervision by the Department of Corrections**

An offender may be placed on community supervision after conviction of a felony, either immediately upon sentencing or after serving a prison sentence. Supervised offenders must comply with statutory terms and conditions as well as special terms and conditions imposed by the sentencing court or, for certain types of post-release supervision, by the Parole Commission. Offenders on community supervision report to and are monitored by probation officers employed by the DOC. Of those sex offenders released from prison in FY 2012-13, 66.1% had supervision upon release.

The vast majority of sex offenders (94%) under supervision were placed there by the judge at the original sentencing. Either the offender was sentenced directly to supervision and had no prison at all or the offender was serving a split sentence (prison with probation to follow). A small portion of the sex offenders (6%) under supervision were placed there because of a statutory requirement (conditional release).

As of July 31, 2013, 7740 offenders who are required to register as a sexual offender or a sexual predator were on community supervision, which is 5.3% of the total community supervision population of 145,462 offenders.

As of August 30, 2013, there were 6,327 offenders convicted of sex offenses under community supervision (4.4% of the total supervised population of 145,380). Of those, 2181 or 34.5% were tracked with electronic monitoring, which is a mandatory condition of supervision for certain sex offenses. The vast majority of the 6,327 were under supervision via a judge's original sentence (5,926 or 94%). This means the judge directly sentenced the offender to supervision (e.g., sex offender probation) without prison OR the offender is serving a split sentence, meaning he or she served a prison sentence followed by a required supervision term. The remaining 401 offenders (6%) are serving a post-prison supervision term. In most cases, these are conditional release offenders who have served 85% of their prison sentences and are serving the remaining 15% under community supervision.<sup>23</sup>

Offenders on community supervision for certain sex offenses committed against a child have conditions restricting them from:

- living near schools and other places where children regularly congregate;
- working or volunteering at any place where children regularly congregate, or
- having unsupervised contact with a minor.

In recent years, mandatory conditions of supervision for sex offenders were expanded to prohibit certain activities such as distributing candy at Halloween and visiting schools without the prior approval of the probation officer.

Residency restrictions and employment restrictions apply to offenders who committed certain sex offenses even if they have completed their sentences and are not on community supervision.

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<sup>23</sup> See s. 947.1405, F.S.

Local ordinances may impose additional residence restrictions, including wider exclusion zones and additional areas of exclusion.

Offenders on community supervision for a sex offense are more likely to have supervision revoked for a technical violation than are other offenders on community supervision. Four hundred twenty seven (427) sex offenders had supervision revoked for misconduct during FY 2011-2012, with 74% of them revoked for a technical violation and 26% revoked for a new crime. By contrast, 34,095 other offenders had community supervision revoked for misconduct during the same time period, with 39% revoked for a technical violation and 61% revoked for a new crime.

### **III. Effect of Proposed Changes:**

The bill makes significant changes to punishment of sex offenders by enhancing minimum sentences and maximum penalties for several sexual battery and lewd offenses and eliminating incentive gain-time eligibility. The bill also authorizes a court finding that an offense was sexually motivated, mandates community supervision of sex offenders who do not receive the maximum prison sentence, and ensures that offenders who are in the custody of the Department of Children and Families (DCF) as part of the civil commitment process and who are subject to conditional release supervision or community supervision will serve that supervision upon release from DCF custody.

The bill provides for severability of any provision of the bill or its application held to be invalid. The bill takes effect October 1, 2014.

#### **Enhances the Felony Degree of Certain Sex Offenses (Sections 1-3)**

The bill enhances punishment for a variety of sex offenses. Specifically, the bill increases the felony degree (thereby providing for longer sentences) of several sexual battery, lewd battery, and lewd molestation offenses.

Section 794.011, F.S., which addresses sexual battery, is amended to increase from a first degree felony (up to 30 years imprisonment) to a first degree felony punishable by up to life imprisonment the following offenses:<sup>24</sup>

- sexual battery of a minor by a person who has custodial authority over the minor;
- sexual battery by an adult on a person 12-17 years of age when the sexual battery involves a specified circumstance (such as the victim being physically helpless to resist); and
- sexual battery on a person 12 years of age or older when the sexual battery involves a specified circumstance and the offender has previously been convicted of a specified sexual battery or lewd felony.<sup>25</sup>

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<sup>24</sup> As previously indicated in this analysis, generally, a first degree felony is punishable by up to 30 years in state prison under s. 775.082, F.S. However, this section also provides that a first degree felony may be punished by a term of years not exceeding life imprisonment when specifically provided by statute.

<sup>25</sup> The sex offenses involve kidnapping and false imprisonment (ss. 787.01(2) and 797.02(3), F.S.); sexual battery offenses (chapter 794, F.S., excluding s. 794.011(10), F.S.); lewd acts against a child (ss. 800.04 and s. 847.0135(5), F.S.); and lewd acts against an elderly person or disabled person (s. 825.1025, F.S.).

The bill further amends s. 794.011, F.S., to increase from a second degree felony (up to 15 years imprisonment) to a first degree felony (up to 30 years imprisonment) the following offenses:

- sexual battery by an adult on a person 12–17 years of age when the sexual battery does not involve violence likely to cause serious physical injury; and
- sexual battery on a person 12 years of age or older when the sexual battery does not involve violence likely to cause serious physical injury and the offender has previously been convicted of a specified sexual battery or lewd felony.<sup>26</sup>

The bill amends s. 800.04, F.S., which addresses lewd acts, to increase from a second degree felony (up to 15 years imprisonment) to a first degree felony (up to 30 years imprisonment) the following offenses:

- lewd battery by an adult on a 12-15 year-old child when the offender has previously been convicted of a sexual battery or lewd felony; and
- lewd molestation by an adult on a 12-15 year-old child victim when the offender has previously been convicted of a specified sexual battery or lewd felony.<sup>27</sup>

The bill amends s. 921.0022, F.S., the offense severity ranking chart of Criminal Punishment Code (Code), to modify statutory references and descriptive language. While the bill increases the felony degree of certain sexual conduct, it does not increase the ranking level currently assigned to this conduct. The “enhancements” impact the maximum penalty, not the minimum sentence, which is impacted by a different provision of the bill that provides for a sentence point multiplier.

#### **Creates a Sentence Point Multiplier for Certain Adult-on-Minor Sex Offenses (Section 4)**

The bill creates a sentence point multiplier for an adult-on-minor sex offense. This multiplier will double sentence points, resulting in some sex offenders receiving a minimum prison sentence and other sex offenders receiving a significantly longer minimum prison sentence.

Specifically, the bill amends s. 921.0024, F.S., the Criminal Punishment Code worksheet, to provide that subtotal sentence points are multiplied by 2.0 if the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is:

- kidnapping a child under the age of 13 and, in the course of that offense, committing sexual battery or a lewd act against the child (s. 787.01(3)(a)2. and 3., F.S.);
- false imprisonment of a child under the age of 13 and, in the course of that offense, committing sexual battery or a lewd act against the child (s. 787.02(3)(a)2. and 3., F.S.);
- sexual battery (s. 794.011, F.S., excluding s. 794.011(10), F.S.);
- unlawful sexual activity committed on a minor 16 or 17 years of age (s. 794.05, F.S.); or

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

- lewd acts against a child (s. 800.04 or s. 847.0135(5), F.S.).

If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, F.S., the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

The point multiplier can impact sentencing of some sex offenders by increasing points to a threshold in which the offenders would score a lowest permissible sentence of imprisonment. For example, a first-time offender whose subtotal sentence points are based only on points scored for the primary offense of computer-transmitted lewd exhibition,<sup>28</sup> a Level 5 offense,<sup>29</sup> scores a nonprison sanction as the lowest permissible sentence. Under the bill, this offense qualifies for the 2.0 point multiplier, and as a result of the doubling of points, the offender's lowest permissible sentence is 21 months in prison.

The point multiplier can also impact sentencing of some sex offenders who score a lowest permissible sentence of imprisonment (even without the multiplier). The doubling of points substantially increases minimum sentence length for the primary offense. For example, under current law, an offender who accrues 172 subtotal sentence points as a result of points accrued for a primary offense of second degree felony sexual battery<sup>30</sup> and points accrued for other factors scores a lowest permissible sentence of 108 months in prison (approximately 9 years). Under the bill, this offense qualifies for the 2.0 point multiplier, and as a result of the doubling of points, the sentence length increases from 108 months in prison to 237 months in prison. However, because this number of months exceeds the maximum penalty of 15 years provided in s. 775.082, F.S., for the second degree felony primary offense, the adjusted prison sentence length is 15 years in prison. Therefore, the length of offender's sentence for the sexual battery offense increases from 9 years in prison to 15 years in prison.

### **Prohibits Certain Sex Offenders from Receiving Incentive Gain-time (Section 6)**

The bill prohibits the award of incentive gain-time to reduce the sentence for certain sexually violent offenses committed on or after October 1, 2014. As a result, the offender would be required to serve all of the imposed sentence.<sup>31</sup> The offenses for which gain-time would be prohibited are:

- all specifically-designated sexually violent offenses (listed in s. 394.912(9)(a)-(e), F.S.), except falsely accusing a government official of abusing authority to commit sexual battery;<sup>32</sup>
- unlawful sexual activity committed on a minor 16 or 17 years of age;<sup>33</sup> and

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<sup>28</sup> Section 847.0135(5)(b), F.S.

<sup>29</sup> Section 921.0022(3)(e), F.S.

<sup>30</sup> Section 794.011(5), F.S.

<sup>31</sup> An exception is that an offender who is prohibited from receiving gain-time could still be awarded from 1 day to 60 days of meritorious gain time for performing an outstanding deed (such as saving a life or assisting in the capture of an escaped inmate) or an outstanding service. Meritorious gain-time can be awarded pursuant to s. 944.275(4)(c), F.S.

<sup>32</sup> Section 794.011(10), F.S. The bill does not specify whether the prohibition against awarding gain-time for these offenses applies to attempt, solicitation, or conspiracy to commit the offense.

<sup>33</sup> Section 794.05, F.S.

- lewd acts against an elderly person or disabled person (s. 825.1025, F.S.).

### **Authorizes Court Finding that an Offense was Sexually Motivated (Section 5)**

A person can be found to be a sexually violent predator based upon conviction of an offense that is not specifically designated as a sexually violent offense. Section 394.912(9)(h), F.S., provides that any offense that is found to be sexually motivated beyond a reasonable doubt is a sexually violent offense. A finding of sexual motivation can be made either at the time of sentencing or during the civil commitment proceedings. The bill provides more specific direction that the state attorney may move the court to make a written finding on the record that an offense is sexually motivated. In making such a finding, the judge must consider the circumstances of the case and a victim impact statement.

### **Tolls Community Supervision During Time Offender is in DCF Custody (Sections 7 and 8)**

The bill amends s. 947.1405, F.S. (concerning conditional release), and s. 948.012, F.S. (concerning probation and community control), to provide that the running of community supervision is tolled during the time that a person is in DCF custody pursuant to the Sexually Violent Predators Act. The tolling will apply to all community supervision that begins on or after October 1, 2014, regardless of when the underlying offense was committed.

Tolling of community supervision will preserve the period of supervision until after the person is released from detention or commitment in the FCCC. This will allow community supervision to serve its intended purposes, including monitoring the person in the community rather than in a secure and controlled environment.

### **Mandates Community Supervision of Certain Sex Offenders who do not Receive Maximum Prison Sentence (Section 8)**

The bill amends s. 948.012, F.S., relating to split sentences of probation or community control, to require that courts impose a split sentence with mandatory community supervision for certain sex offenders who do not receive the maximum prison sentence.

Section 948.012(1), F.S., currently provides that when the court prescribes imprisonment, the court *may*, at time of sentencing, impose a split sentence whereby the defendant is placed on probation or community control upon completion of any specified period of imprisonment.

Under the bill and effective for offenses committed on or after October 1, 2014, if the court imposes a term of years in accordance with s. 775.082, F.S., which is less than the maximum sentence for the offense, the court *must* impose a split sentence pursuant to s. 948.012(1), F.S., for any person who is convicted of:

- murder while engaged in sexual battery (s. 782.04(1)(a)2.c., F.S.);
- kidnapping a child under the age of 13 and, in the course of that offense, committing sexual battery or a lewd act against the child (s. 787.01(3)(a)2. and 3., F.S.);
- false imprisonment of a child under the age of 13 and, in the course of that offense, committing sexual battery or a lewd act against the child (s. 787.02(3)(a)2. and 3., F.S.);

- sexual battery (s. 794.011, F.S.);
- lewd acts against a child (s. 800.04, F.S., or s. 847.0135(5), F.S.); or
- lewd acts against an elderly person or disabled person (s. 825.1025, F.S.).

The probation or community control portion of the split sentence must extend for at least 2 years. However, if the term of years imposed by the court extends to within 2 years of the maximum sentence for the offense, the probation or community control portion of the split sentence must extend for the remainder of the maximum sentence.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

##### **C. Government Sector Impact:**

The Criminal Justice Impact Conference (CJIC) provides the final, official estimate of the prison bed impact, if any, of criminal legislation. The CJIC has not yet met. The Office of Economic and Demographic Research of the Legislature and the Department of Corrections have provided preliminary estimates of the impact of several provisions of the bill. However, actual appropriations associated with passage of the bill will depend on a number of factors, including the existing inventory of prison beds.

#### **Felony Degree Enhancements**

The bill increases the felony degree (providing for longer sentences) for certain sex offenses involving sexual battery, lewd battery, and lewd molestation when the sexual or lewd acts were committed by an adult upon a minor or involved a repeat sex offense. The EDR states that the impact of these changes is indeterminate. Since the bill only changes the felony degree of these offenses (not the Code ranking), there is no way to model changes.

### Sentence Point Multiplier

The bill increases minimum sentence length of adult-on-minor sex offenses sentenced under the Criminal Punishment Code by creating a new sentence point multiplier. The EDR estimates a cumulative \$34.1 million fixed capital outlay cost (398 beds) and a cumulative \$19.6 million operational cost after 7 years. Total costs (FY 2012-15 to FY 2020-21): \$53.7 million.

Fiscal Impact of Sex Offense Adult-on-Minor Multiplier October 1, 2014 Effective Date						
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	FUNDS REQUIRED			
			Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds
2014-2015	2	2	\$18,868	\$1,737,316	\$1,756,184	\$1,756,184
2015-2016	28	26	\$287,550	\$3,146,682	\$3,434,232	\$5,190,416
2016-2017	77	49	\$1,024,538	\$4,112,894	\$5,137,432	\$10,327,848
2017-2018	139	62	\$2,145,528	\$4,687,170	\$6,832,698	\$17,160,546
2018-2019	208	69	\$3,515,804	\$6,437,460	\$9,953,264	\$27,113,810
2019-2020	301	93	\$5,255,171	\$6,835,202	\$12,090,373	\$39,204,182
2020-2021	398	97	\$7,361,169	\$7,173,500	\$14,534,669	\$53,738,851
<b>TOTAL</b>	<b>398</b>	<b>398</b>	<b>\$19,608,627</b>	<b>\$34,130,224</b>	<b>\$53,738,851</b>	<b>\$53,738,851</b>

Prepared by Florida Legislature, Office of Economic and Demographic Research, October 30, 2013.

### Incentive Gain-Time Prohibition

The bill prohibits incentive gain-time for offenders convicted of certain sexual offenses. The EDR estimates a cumulative \$20.7 million fixed capital outlay cost (247 beds) and a cumulative \$10.8 million operational cost after 7 years. Total costs (FY 2012-15 to FY 2020-21): \$31.6 million.

Fiscal Impact of Eliminating Incentive Gain Time for Certain Sex Offenders						
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	FUNDS REQUIRED			
			Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds
2014-2015	0	0	\$0	\$496,376	\$496,376	\$496,376
2015-2016	8	8	\$76,680	\$1,284,360	\$1,361,040	\$1,857,416
2016-2017	28	20	\$351,270	\$2,321,795	\$2,673,065	\$4,530,481
2017-2018	63	35	\$903,903	\$3,736,150	\$4,640,053	\$9,170,534
2018-2019	118	55	\$1,833,892	\$4,776,180	\$6,610,072	\$15,780,606
2019-2020	187	69	\$3,148,973	\$4,227,960	\$7,376,933	\$23,157,539
2020-2021	247	60	\$4,570,454	\$3,945,425	\$8,515,879	\$31,673,418
<b>TOTAL</b>	<b>247</b>	<b>247</b>	<b>\$10,885,172</b>	<b>\$20,788,246</b>	<b>\$31,673,418</b>	<b>\$31,673,418</b>

Prepared by Florida Legislature, Office of Economic and Demographic Research, October 28, 2013.

### Combined Sentence Point Multiplier and Incentive Gain-Time Prohibition

The EDR estimates a cumulative \$49.8 million fixed capital outlay cost (628 beds) a cumulative \$29.3 million in operating costs after 7 years for the incentive gain-time



prohibition and the sentence point multiplier. Total costs (FY 2012-15 to FY 2020-21): \$79.1 million.

Fiscal Impact of Eliminating Incentive Gain Time for Specified Sex Offenders AND Sex Offense Adult-on-Minor Multiplier October 1, 2014 Effective Date						
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	FUNDS REQUIRED			
			Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds
2014-2015	2	2	\$18,868	\$1,923,457	<b>\$1,942,325</b>	<b>\$1,942,325</b>
2015-2016	31	29	\$316,305	\$4,302,606	<b>\$4,618,911</b>	<b>\$6,561,236</b>
2016-2017	98	67	\$1,258,718	\$6,501,026	<b>\$7,759,744</b>	<b>\$14,320,980</b>
2017-2018	196	98	\$2,920,302	\$8,151,600	<b>\$11,071,902</b>	<b>\$25,392,882</b>
2018-2019	316	120	\$5,187,584	\$10,521,440	<b>\$15,709,024</b>	<b>\$41,101,906</b>
2019-2020	468	152	\$8,094,408	\$11,274,560	<b>\$19,368,968</b>	<b>\$60,470,874</b>
2020-2021	628	160	\$11,541,976	\$7,173,500	<b>\$18,715,476</b>	<b>\$79,186,350</b>
<b>TOTAL</b>	<b>628</b>	<b>628</b>	<b>\$29,338,161</b>	<b>\$49,848,189</b>	<b>\$79,186,350</b>	<b>\$79,186,350</b>

Prepared by Florida Legislature, Office of Economic and Demographic Research, October 30, 2013.

### **Tolling Post-Release Supervision**

The bill suspends (or tolls) post-release supervision of offenders while in DCF custody as part of the civil commitment process.

The DOC states that this provision will involve a very limited percentage of the supervised population, thus the impact is negligible. Beyond that, the overall count under supervision is unaffected by the tolling provision. What does change is when the supervision occurs in relation to the prison release date. The same total number of offenders will be supervised, either in the DCF facility or in the open community after release from the DCF facility.<sup>34</sup>

### **Mandatory Community Supervision (Split Sentence)**

The bill requires that courts impose a split sentence with mandatory community supervision for certain sex offenders who do not receive the maximum prison sentence. The probation or community control portion of the split sentence must extend for at least 2 years. However, if the term of years imposed by the court extends to within 2 years of the maximum sentence for the offense, the probation or community control portion of the split sentence must extend for the remainder of the maximum sentence.

The DOC states that the mandatory minimum 2 years of post-prison supervision will have limited impact. In FY 2012-13, there were approximately 1,300 sex offenders released (based on offenses specified in the bill). Of those inmates, 900 had supervision to follow (either a split sentence or conditional release). The remaining 400 inmates had an average time between offense and prison release of 11 years. Therefore, since the bill would apply only to future offenses, the DOC expects that the mandatory split provision

<sup>34</sup> E-mail from Will Kendrick, Legislative Director for the Department of Corrections (January 8, 2014) (on file with the Senate Committee on Criminal Justice).

would not be a significant increase in supervision population during the first years of implementation. The DOC notes that the average time between offense and prison release will only increase because of the other provisions of the bill that encourage longer sentences and prohibit gain time for these inmates.<sup>35</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 794.011, 800.04, 921.0022, 921.0024, 921.30, 944.275, 947.1405, and 948.012.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on January 13, 2014:**

Corrects statutory references in provisions of the bill that enhance the felony degree of certain sex offenses and creates an adult-on-minor sentence point multiplier.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>35</sup> *Id.*



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/13/2014	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

**Senate Amendment**

Delete lines 53 - 226  
and insert:

(d) If a person who has previously been convicted of a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.



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787.02(3)(a)2. or 3.; s. 800.04; s. 825.1025; s. 847.0135(5); or this chapter, excluding subsection (10) of this section, commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), such person commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(e) The following circumstances apply to paragraphs (a)-(d):

1.-(a) When The victim is physically helpless to resist.

2.-(b) When The offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat.

3.-(c) When The offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future.

4.-(d) When The offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance that ~~which~~ mentally or physically incapacitates the victim.

5.-(e) When The victim is mentally defective, and the offender has reason to believe this or has actual knowledge of this fact.

6.-(f) When The victim is physically incapacitated.

7.-(g) When The offender is a law enforcement officer,



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correctional officer, or correctional probation officer as defined ~~in~~ by s. 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified under ~~the provisions of~~ s. 943.1395 or is an elected official exempt from such certification by virtue of s. 943.253, or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and such officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of government.

(5) (a) A person 18 years of age or older who commits sexual battery upon a person 12 years of age or older but younger than 18 years of age, without that person's consent, and in the process thereof does not use physical force and violence likely to cause serious personal injury commits a felony of the first ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(b) A person 18 years of age or older who commits sexual battery upon a person 18 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(c) A person younger than 18 years of age who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.



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(d) If a person who has previously been convicted of a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 800.04; s. 825.1025; s. 847.0135(5); or this chapter, excluding subsection (10) of this section, commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury, such person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(6)(a) The offenses ~~offense~~ described in paragraphs (5)(a)-(c) are ~~subsection (5)~~is included in any sexual battery offense charged under subsection (3) ~~or subsection (4)~~.

(b) The offense described in paragraph (5)(a) is included in an offense charged under paragraph (4)(a).

(c) The offense described in paragraph (5)(b) is included in an offense charged under paragraph (4)(b).

(d) The offense described in paragraph (5)(c) is included in an offense charged under paragraph (4)(c).

(e) The offense described in paragraph (5)(d) is included in an offense charged under paragraph (4)(d).

(8) Without regard to the willingness or consent of the victim, which is not a defense to prosecution under this subsection, a person who is in a position of familial or custodial authority to a person less than 18 years of age and who:



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(b) Engages in any act with that person while the person is 12 years of age or older but younger ~~less~~ than 18 years of age which constitutes sexual battery under paragraph (1)(h) commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) For prosecution under paragraph (4)(a), paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d) which involves an offense committed under any of the circumstances listed in subparagraph (4)(e)7. ~~paragraph (4)(g)~~, acquiescence to a person reasonably believed by the victim to be in a position of authority or control does not constitute consent, and it is not a defense that the perpetrator was not actually in a position of control or authority if the circumstances were such as to lead the victim to reasonably believe that the person was in such a position.

(10) A ~~Any~~ person who falsely accuses a ~~any~~ person listed in subparagraph (4)(e)7. ~~paragraph (4)(g)~~ or other person in a position of control or authority as an agent or employee of government of violating paragraph (4)(a), paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d) commits ~~(4)(g) is guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Subsections (4) and (5) of section 800.04, Florida Statutes, are amended to read:

800.04 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.—

(4) LEWD OR LASCIVIOUS BATTERY. ~~A person who:~~

(a) A person commits lewd or lascivious battery by:



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127       1. Engaging in sexual activity with a person 12 years of  
128 age or older but less than 16 years of age; or

129       2. Encouraging, forcing, or enticing any person less than  
130 16 years of age to engage in sadomasochistic abuse, sexual  
131 bestiality, prostitution, or any other act involving sexual  
132 activity.

133       (b) Except as provided in paragraph (c), an offender who  
134 commits lewd or lascivious battery commits a felony of the  
135 second degree, punishable as provided in s. 775.082, s. 775.083,  
136 or s. 775.084.

137       (c) An offender 18 years of age or older who commits lewd  
138 or lascivious battery commits a felony of the first degree,  
139 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
140 if the offender has previously been convicted of a violation of  
141 this section or a violation of s. 787.01(2) or s. 787.02(2), if  
142 the violation involved a victim who was a minor and, in the  
143 course of committing that violation, the defendant committed a  
144 sexual battery under chapter 794 or a lewd act under s. 800.04  
145 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
146 787.02(3)(a)2. or 3.; chapter 794, excluding s. 794.011(10); s.  
147 800.04; s. 825.1025; or s. 847.0135(5).

148       ~~(a) Engages in sexual activity with a person 12 years of~~  
149 ~~age or older but less than 16 years of age; or~~

150       ~~(b) Encourages, forces, or entices any person less than 16~~  
151 ~~years of age to engage in sadomasochistic abuse, sexual~~  
152 ~~bestiality, prostitution, or any other act involving sexual~~  
153 ~~activity~~

154  
155 ~~commits lewd or lascivious battery, a felony of the second~~





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~~degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(5) LEWD OR LASCIVIOUS MOLESTATION.—

(a) A person who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation.

(b) An offender 18 years of age or older who commits lewd or lascivious molestation against a victim less than 12 years of age commits a life felony, punishable as provided in s. 775.082(3)(a)4.

(c)1. An offender less than 18 years of age who commits lewd or lascivious molestation against a victim less than 12 years of age; or

2. An offender 18 years of age or older who commits lewd or lascivious molestation against a victim 12 years of age or older but less than 16 years of age

commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) An offender less than 18 years of age who commits lewd or lascivious molestation against a victim 12 years of age or older but less than 16 years of age commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) An offender 18 years of age or older who commits lewd or lascivious molestation against a victim 12 years of age or



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older but less than 16 years of age commits a felony of the  
first degree, punishable as provided in s. 775.082, s. 775.083,  
or s. 775.084, if the offender has previously been convicted of  
a violation of this section or a violation of s. 787.01(2) or s.  
787.02(2), if the violation involved a victim who was a minor  
and, in the course of committing that violation, the defendant  
committed a sexual battery under chapter 794 or a lewd act under  
s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2.  
or 3.; s. 787.02(3)(a)2. or 3.; chapter 794, excluding s.  
794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/13/2014	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

**Senate Amendment**

Delete lines 711 - 714  
and insert:  
2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
violation involved a victim who was a minor and, in the course  
of committing that violation, the defendant committed a sexual  
battery under chapter 794 or a lewd act under s. 800.04 or s.  
847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
787.02(3)(a)2. or 3.; s. 794.011, excluding s.

By Senator Bradley

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A bill to be entitled

An act relating to sexual offenses; amending s. 794.011, F.S.; revising and creating offenses involving sexual battery; increasing felony degree of certain sexual battery offenses; amending s. 800.04, F.S.; revising and creating offenses involving lewd or lascivious battery and molestation; increasing felony degree of certain lewd or lascivious battery and molestation offenses; amending s. 921.0022, F.S.; assigning new offense severity rankings for lewd or lascivious molestation and sexual battery offenses; amending s. 921.0024, F.S.; providing that sentence points are multiplied for specified sex offenses committed by an adult upon a minor under certain circumstances; creating s. 921.30, F.S.; authorizing a state attorney to move a court to make a written finding that an offense was a sexually motivated offense under certain circumstances; amending s. 944.275, F.S.; prohibiting award of gain-time for certain offenses; amending s. 947.1405, F.S.; providing for tolling of conditional release supervision; providing applicability; amending s. 948.012, F.S.; requiring split sentence for certain sexual offenses; providing for tolling of probation or community control; providing applicability; providing severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsections (4), (5), and (6), paragraph (b) of subsection (8), and subsections (9) and (10) of section 794.011, Florida Statutes, are amended to read:

794.011 Sexual battery.—

(4) (a) A person 18 years of age or older who commits sexual battery upon a person 12 years of age or older but younger than 18 years of age without that person's consent, under any of the following circumstances listed in paragraph (e), commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(b) A person 18 years of age or older who commits sexual battery upon a person 18 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(c) A person younger than 18 years of age who commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(d) If a person who has previously been convicted of a violation of s. 787.01(2), s. 787.02(3), s. 800.04, s. 825.1025, or s. 847.0135(5) or a violation of this chapter, excluding subsection (10) of this section, commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), such

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59 person commits a felony of the first degree, punishable by a  
 60 term of years not exceeding life or as provided in s. 775.082,  
 61 s. 775.083, s. 775.084, or s. 794.0115.

62 (e) The following circumstances apply to paragraphs (a)-

63 (d):

64 1.(a) When The victim is physically helpless to resist.

65 2.(b) When The offender coerces the victim to submit by  
 66 threatening to use force or violence likely to cause serious  
 67 personal injury on the victim, and the victim reasonably  
 68 believes that the offender has the present ability to execute  
 69 the threat.

70 3.(c) When The offender coerces the victim to submit by  
 71 threatening to retaliate against the victim, or any other  
 72 person, and the victim reasonably believes that the offender has  
 73 the ability to execute the threat in the future.

74 4.(d) When The offender, without the prior knowledge or  
 75 consent of the victim, administers or has knowledge of someone  
 76 else administering to the victim any narcotic, anesthetic, or  
 77 other intoxicating substance that which mentally or physically  
 78 incapacitates the victim.

79 5.(e) When The victim is mentally defective, and the  
 80 offender has reason to believe this or has actual knowledge of  
 81 this fact.

82 6.(f) When The victim is physically incapacitated.

83 7.(g) When The offender is a law enforcement officer,  
 84 correctional officer, or correctional probation officer as  
 85 defined in by s. 943.10(1), (2), (3), (6), (7), (8), or (9), who  
 86 is certified under the provisions of s. 943.1395 or is an  
 87 elected official exempt from such certification by virtue of s.

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88 943.253, or any other person in a position of control or  
 89 authority in a probation, community control, controlled release,  
 90 detention, custodial, or similar setting, and such officer,  
 91 official, or person is acting in such a manner as to lead the  
 92 victim to reasonably believe that the offender is in a position  
 93 of control or authority as an agent or employee of government.

94 (5) (a) A person 18 years of age or older who commits sexual  
 95 battery upon a person 12 years of age or older but younger than  
 96 18 years of age, without that person's consent, and in the  
 97 process ~~thereof~~ does not use physical force and violence likely  
 98 to cause serious personal injury commits a felony of the first  
 99 ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083,  
 100 s. 775.084, or s. 794.0115.

101 (b) A person 18 years of age or older who commits sexual  
 102 battery upon a person 18 years of age or older, without that  
 103 person's consent, and in the process does not use physical force  
 104 and violence likely to cause serious personal injury commits a  
 105 felony of the second degree, punishable as provided in s.  
 106 775.082, s. 775.083, s. 775.084, or s. 794.0115.

107 (c) A person younger than 18 years of age who commits  
 108 sexual battery upon a person 12 years of age or older, without  
 109 that person's consent, and in the process does not use physical  
 110 force and violence likely to cause serious personal injury  
 111 commits a felony of the second degree, punishable as provided in  
 112 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

113 (d) If a person who has previously been convicted of a  
 114 violation of s. 787.01(2), s. 787.02(3), s. 800.04, s. 825.1025,  
 115 or s. 847.0135(5) or a violation of this chapter, excluding  
 116 subsection (10) of this section, commits sexual battery upon a

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person 12 years of age or older, without that person's consent, and in the process does not use physical force and violence likely to cause serious personal injury, such person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(6) (a) The offenses ~~offense~~ described in paragraphs (5) (a)-  
(c) are subsection (5) ~~is~~ included in any sexual battery offense charged under subsection (3) ~~or subsection (4)~~.

(b) The offense described in paragraph (5) (a) is included in an offense charged under paragraph (4) (a).

(c) The offense described in paragraph (5) (b) is included in an offense charged under paragraph (4) (b).

(d) The offense described in paragraph (5) (c) is included in an offense charged under paragraph (4) (c).

(e) The offense described in paragraph (5) (d) is included in an offense charged under paragraph (4) (d).

(8) Without regard to the willingness or consent of the victim, which is not a defense to prosecution under this subsection, a person who is in a position of familial or custodial authority to a person less than 18 years of age and who:

(b) Engages in any act with that person while the person is 12 years of age or older but younger ~~less~~ than 18 years of age which constitutes sexual battery under paragraph (1) (h) commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) For prosecution under paragraph (4) (a), paragraph (4) (b), paragraph (4) (c), or paragraph (4) (d) which involves an

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offense committed under any of the circumstances listed in subparagraph (4) (e)7. paragraph (4) (g), acquiescence to a person reasonably believed by the victim to be in a position of authority or control does not constitute consent, and it is not a defense that the perpetrator was not actually in a position of control or authority if the circumstances were such as to lead the victim to reasonably believe that the person was in such a position.

(10) A ~~Any~~ person who falsely accuses a ~~any~~ person listed in subparagraph (4) (e)7. paragraph (4) (g) or other person in a position of control or authority as an agent or employee of government of violating paragraph (4) (a), paragraph (4) (b), paragraph (4) (c), or paragraph (4) (d) commits (4) (g) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Subsections (4) and (5) of section 800.04, Florida Statutes, are amended to read:

800.04 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.—

(4) LEWD OR LASCIVIOUS BATTERY.—~~A person who:~~

(a) A person commits lewd or lascivious battery by:

1. Engaging in sexual activity with a person 12 years of age or older but less than 16 years of age; or

2. Encouraging, forcing, or enticing any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity.

(b) Except as provided in paragraph (c), an offender who commits lewd or lascivious battery commits a felony of the

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175 second degree, punishable as provided in s. 775.082, s. 775.083,  
 176 or s. 775.084.

177 (c) An offender 18 years of age or older who commits lewd  
 178 or lascivious battery commits a felony of the first degree,  
 179 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 180 if the offender has previously been convicted of a violation of  
 181 this section or a violation of s. 787.01(2); s. 787.02(3);  
 182 chapter 794, excluding s. 794.011(10); s. 825.1025; or s.  
 183 847.0135(5).

184 ~~(a) Engages in sexual activity with a person 12 years of~~  
 185 ~~age or older but less than 16 years of age; or~~

186 ~~(b) Encourages, forces, or entices any person less than 16~~  
 187 ~~years of age to engage in sadomasochistic abuse, sexual~~  
 188 ~~bestiality, prostitution, or any other act involving sexual~~  
 189 ~~activity~~

190 ~~commits lewd or lascivious battery, a felony of the second~~  
 191 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~  
 192 ~~775.084.~~

193 (5) LEWD OR LASCIVIOUS MOLESTATION.—

194 (a) A person who intentionally touches in a lewd or  
 195 lascivious manner the breasts, genitals, genital area, or  
 196 buttocks, or the clothing covering them, of a person less than  
 197 16 years of age, or forces or entices a person under 16 years of  
 198 age to so touch the perpetrator, commits lewd or lascivious  
 199 molestation.

200 (b) An offender 18 years of age or older who commits lewd  
 201 or lascivious molestation against a victim less than 12 years of  
 202 age commits a life felony, punishable as provided in s.  
 203

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204 775.082(3) (a)4.

205 (c)1. An offender less than 18 years of age who commits  
 206 lewd or lascivious molestation against a victim less than 12  
 207 years of age; or

208 2. An offender 18 years of age or older who commits lewd or  
 209 lascivious molestation against a victim 12 years of age or older  
 210 but less than 16 years of age

211 commits a felony of the second degree, punishable as provided in  
 212 s. 775.082, s. 775.083, or s. 775.084.

213 (d) An offender less than 18 years of age who commits lewd  
 214 or lascivious molestation against a victim 12 years of age or  
 215 older but less than 16 years of age commits a felony of the  
 216 third degree, punishable as provided in s. 775.082, s. 775.083,  
 217 or s. 775.084.

218 (e) An offender 18 years of age or older who commits lewd  
 219 or lascivious molestation against a victim 12 years of age or  
 220 older but less than 16 years of age commits a felony of the  
 221 first degree, punishable as provided in s. 775.082, s. 775.083,  
 222 or s. 775.084, if the offender has previously been convicted of  
 223 a violation of this section or a violation of s. 787.01(2); s.  
 224 787.02(3); chapter 794, excluding s. 794.011(10); s. 825.1025;  
 225 or s. 847.0135(5).

226 Section 3. Paragraphs (g) through (i) of subsection (3) of  
 227 section 921.0022, Florida Statutes, are amended to read:  
 228 921.0022 Criminal Punishment Code; offense severity ranking  
 229 chart.—

230 (3) OFFENSE SEVERITY RANKING CHART

231 (g) LEVEL 7

232

233	7-00529A-14	2014526	
	Florida Statute	Felony Degree	Description
234	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
235	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
236	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
237	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
238	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent

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			disfiguration, permanent disability, or death.
239	409.920	3rd	Medicaid provider fraud; \$10,000 or less.
240	(2)(b)1.a.		
	409.920	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
241	(2)(b)1.b.		
	456.065(2)	3rd	Practicing a health care profession without a license.
242	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
243	458.327(1)	3rd	Practicing medicine without a license.
244	459.013(1)	3rd	Practicing osteopathic medicine without a license.
245	460.411(1)	3rd	Practicing chiropractic medicine without a license.

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246			
	461.012(1)	3rd	Practicing podiatric medicine without a license.
247			
	462.17	3rd	Practicing naturopathy without a license.
248			
	463.015(1)	3rd	Practicing optometry without a license.
249			
	464.016(1)	3rd	Practicing nursing without a license.
250			
	465.015(2)	3rd	Practicing pharmacy without a license.
251			
	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
252			
	467.201	3rd	Practicing midwifery without a license.
253			
	468.366	3rd	Delivering respiratory care services without a license.
254			
	483.828(1)	3rd	Practicing as clinical

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	7-00529A-14		2014526__
			laboratory personnel without a license.
255			
	483.901(9)	3rd	Practicing medical physics without a license.
256			
	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
257			
	484.053	3rd	Dispensing hearing aids without a license.
258			
	494.0018(2)	1st	Conviction of any violation of ss. 494.001- 494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
259			
	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
260			
	560.125(5)(a)	3rd	Money services business by unauthorized person,

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	7-00529A-14		2014526__	
			currency or payment	
			instruments exceeding \$300	
			but less than \$20,000.	
261	655.50(10)(b)1.	3rd	Failure to report	
			financial transactions	
			exceeding \$300 but less	
			than \$20,000 by financial	
			institution.	
262	775.21(10)(a)	3rd	Sexual predator; failure	
			to register; failure to	
			renew <u>driver</u> <del>driver's</del>	
			license or identification	
			card; other registration	
			violations.	
263	775.21(10)(b)	3rd	Sexual predator working	
			where children regularly	
			congregate.	
264	775.21(10)(g)	3rd	Failure to report or	
			providing false	
			information about a sexual	
			predator; harbor or	
			conceal a sexual predator.	
265	782.051(3)	2nd	Attempted felony murder of	
			a person by a person other	

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	7-00529A-14		2014526__	
			than the perpetrator or	
			the perpetrator of an	
			attempted felony.	
266	782.07(1)	2nd	Killing of a human being	
			by the act, procurement,	
			or culpable negligence of	
			another (manslaughter).	
267	782.071	2nd	Killing of a human being	
			or viable fetus by the	
			operation of a motor	
			vehicle in a reckless	
			manner (vehicular	
			homicide).	
268	782.072	2nd	Killing of a human being	
			by the operation of a	
			vessel in a reckless	
			manner (vessel homicide).	
269	784.045(1)(a)1.	2nd	Aggravated battery;	
			intentionally causing	
			great bodily harm or	
			disfigurement.	
270	784.045(1)(a)2.	2nd	Aggravated battery; using	
			deadly weapon.	
271				

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	7-00529A-14		2014526__
272	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
273	784.048(7)	3rd	Aggravated stalking; violation of court order.
274	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
275	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
276	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
277	784.081(1)	1st	Aggravated battery on specified official or employee.
278	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.

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	7-00529A-14		2014526__
279	784.083(1)	1st	Aggravated battery on code inspector.
280	787.06(3)(a)	1st	Human trafficking using coercion for labor and services.
281	787.06(3)(e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
282	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
283	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
284	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
285			

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286 790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

287 790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

288 790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

289 790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

794.08(4) 3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

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290 796.03 2nd Procuring any person under 16 years for prostitution.

291 800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim younger less than 12 years of age; offender younger less than 18 years.

292 800.04(5)(c)2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but younger less than 16 years; offender 18 years or older.

293 800.04(5)(e) 1st Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.

294 806.01(2) 2nd Maliciously damage structure by fire or explosive.

295

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	7-00529A-14		2014526__	
296	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.	
	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.	
297	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.	
298	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.	
299	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.	
300	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.	
301				

	7-00529A-14		2014526__	
	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.	
302	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.	
303	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.	
304	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	
305	812.131(2)(a)	2nd	Robbery by sudden snatching.	
306	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.	
307	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.	

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308 817.234 (8) (a) 2nd Solicitation of motor  
vehicle accident victims  
with intent to defraud.

309 817.234 (9) 2nd Organizing, planning, or  
participating in an  
intentional motor vehicle  
collision.

310 817.234 (11) (c) 1st Insurance fraud; property  
value \$100,000 or more.

311 817.2341 1st Making false entries of  
(2) (b) & (3) (b) material fact or false  
statements regarding  
property values relating  
to the solvency of an  
insuring entity which are  
a significant cause of the  
insolvency of that entity.

312 817.535 (2) (a) 3rd Filing false lien or other  
unauthorized document.

313 825.102 (3) (b) 2nd Neglecting an elderly  
person or disabled adult  
causing great bodily harm,  
disability, or

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314 disfigurement.

825.103 (2) (b) 2nd Exploiting an elderly  
person or disabled adult  
and property is valued at  
\$20,000 or more, but less  
than \$100,000.

315 827.03 (2) (b) 2nd Neglect of a child causing  
great bodily harm,  
disability, or  
disfigurement.

316 827.04 (3) 3rd Impregnation of a child  
under 16 years of age by  
person 21 years of age or  
older.

317 837.05 (2) 3rd Giving false information  
about alleged capital  
felony to a law  
enforcement officer.

318 838.015 2nd Bribery.

319 838.016 2nd Unlawful compensation or  
reward for official  
behavior.

320

	7-00529A-14		2014526__
321	838.021(3)(a)	2nd	Unlawful harm to a public servant.
322	838.22	2nd	Bid tampering.
323	843.0855(2)	3rd	Impersonation of a public officer or employee.
324	843.0855(3)	3rd	Unlawful simulation of legal process.
325	843.0855(4)	3rd	Intimidation of a public officer or employee.
326	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
327	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
328	872.06	2nd	Abuse of a dead human body.
	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or

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329			subsequent offense.
	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
330	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
331	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000

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feet of property used for religious services or a specified business site.

332 893.13(4)(a) 1st Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

333 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

334 893.135 (1)(b)1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

335 893.135 (1)(c)1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

336 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

337 893.135(1)(e)1. 1st Trafficking in methaqualone, more than

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200 grams, less than 5 kilograms.

338 893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

339 893.135 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

340 893.135 (1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

341 893.135 (1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

342 893.135 (1)(k)2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

343 893.1351(2) 2nd Possession of place for trafficking in or manufacturing of

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	7-00529A-14		2014526__	
			controlled substance.	
344	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.	
345	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.	
346	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.	
347	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.	
348	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.	
349				

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	7-00529A-14		2014526__	
	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
350	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.	
351	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.	
352	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.	
353	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
354	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.	

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355	7-00529A-14	2014526__		
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.	
356	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
357	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.	
358				
359				
360	(h) LEVEL 8			
361				
	Florida Statute	Felony Degree	Description	
362	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.	
363	316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.	

364	7-00529A-14	2014526__		
	327.35(3) (c) 3.	2nd	Vessel BUI manslaughter.	
365	499.0051(7)	1st	Knowing trafficking in contraband prescription drugs.	
366	499.0051(8)	1st	Knowing forgery of prescription labels or prescription drug labels.	
367	560.123(8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.	
368	560.125(5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.	
369	655.50(10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding	

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			\$20,000, but less than
			\$100,000 by financial
			institutions.
370			
	777.03(2)(a)	1st	Accessory after the fact,
			capital felony.
371			
	782.04(4)	2nd	Killing of human without
			design when engaged in
			act or attempt of any
			felony other than arson,
			sexual battery, robbery,
			burglary, kidnapping,
			aggravated fleeing or
			eluding with serious
			bodily injury or death,
			aircraft piracy, or
			unlawfully discharging
			bomb.
372			
	782.051(2)	1st	Attempted felony murder
			while perpetrating or
			attempting to perpetrate
			a felony not enumerated
			in s. 782.04(3).
373			
	782.071(1)(b)	1st	Committing vehicular
			homicide and failing to
			render aid or give

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			information.
374			
	782.072(2)	1st	Committing vessel
			homicide and failing to
			render aid or give
			information.
375			
	787.06(3)(b)	1st	Human trafficking using
			coercion for commercial
			sexual activity.
376			
	787.06(3)(c)	1st	Human trafficking using
			coercion for labor and
			services of an
			unauthorized alien.
377			
	787.06(3)(f)	1st	Human trafficking using
			coercion for commercial
			sexual activity by the
			transfer or transport of
			any individual from
			outside Florida to within
			the state.
378			
	790.161(3)	1st	Discharging a destructive
			device which results in
			bodily harm or property
			damage.
379			

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380 794.011(5)(a) 1st Sexual battery; victim 12  
years of age or older but  
younger than 18 years;  
offender 18 years or  
older; offender does not  
use physical force likely  
to cause serious injury.

794.011(5)(b) 2nd Sexual battery; victim  
and offender 18 years of  
age or older; offender  
does not use physical  
force likely to cause  
serious injury.

381 794.011(5)(c) 2nd Sexual battery; victim 12  
years of age or older;  
offender younger than 18  
years; offender does not  
use physical force likely  
to cause injury.

382 794.011(5)(d) 1st Sexual battery; victim 12  
years of age or older;  
offender does not use  
physical force likely to  
cause serious injury;  
prior conviction for  
specified sex offense.

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383 794.011(5) 2nd Sexual battery, victim 12  
years or over, offender  
does not use physical  
force likely to cause  
serious injury.

384 794.08(3) 2nd Female genital  
 mutilation, removal of a  
victim younger than 18  
years of age from this  
state.

385 800.04(4)(b) 2nd Lewd or lascivious  
battery.

386 800.04(4)(c) 1st Lewd or lascivious  
battery; offender 18  
years of age or older;  
prior conviction for  
specified sex offense.

387 800.04(4) 2nd Lewd or lascivious  
battery.

388 806.01(1) 1st Maliciously damage  
dwelling or structure by  
fire or explosive,  
believing person in

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structure.

389

810.02(2)(a)

1st,PBL

Burglary with assault or  
battery.

390

810.02(2)(b)

1st,PBL

Burglary; armed with  
explosives or dangerous  
weapon.

391

810.02(2)(c)

1st

Burglary of a dwelling or  
structure causing  
structural damage or  
\$1,000 or more property  
damage.

392

812.014(2)(a)2.

1st

Property stolen; cargo  
valued at \$50,000 or  
more, grand theft in 1st  
degree.

393

812.13(2)(b)

1st

Robbery with a weapon.

394

812.135(2)(c)

1st

Home-invasion robbery, no  
firearm, deadly weapon,  
or other weapon.

395

817.535(2)(b)

2nd

Filing false lien or  
other unauthorized  
document; second or

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subsequent offense.

396

817.535(3)(a)

2nd

Filing false lien or  
other unauthorized  
document; property owner  
is a public officer or  
employee.

397

817.535(4)(a)1.

2nd

Filing false lien or  
other unauthorized  
document; defendant is  
incarcerated or under  
supervision.

398

817.535(5)(a)

2nd

Filing false lien or  
other unauthorized  
document; owner of the  
property incurs financial  
loss as a result of the  
false instrument.

399

817.568(6)

2nd

Fraudulent use of  
personal identification  
information of an  
individual under the age  
of 18.

400

825.102(2)

1st

Aggravated abuse of an  
elderly person or

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	7-00529A-14		2014526__	
			disabled adult.	
401	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.	
402	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.	
403	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.	
404	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.	
405	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.	
406	860.16	1st	Aircraft piracy.	

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	7-00529A-14		2014526__	
407	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	
408	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	
409	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	
410	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.	
411	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.	
412	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.	
413				

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	7-00529A-14		2014526__
	893.135	1st	Trafficking in
	(1) (d) 1.b.		phencyclidine, more than
			200 grams, less than 400
414			grams.
	893.135	1st	Trafficking in
	(1) (e) 1.b.		methaqualone, more than 5
			kilograms, less than 25
415			kilograms.
	893.135	1st	Trafficking in
	(1) (f) 1.b.		amphetamine, more than 28
			grams, less than 200
416			grams.
	893.135	1st	Trafficking in
	(1) (g) 1.b.		flunitrazepam, 14 grams
			or more, less than 28
417			grams.
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid
			(GHB), 5 kilograms or
			more, less than 10
418			kilograms.
	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.b.		Butanediol, 5 kilograms
			or more, less than 10

	7-00529A-14		2014526__
			kilograms.
419	893.135	1st	Trafficking in
	(1) (k) 2.b.		Phenethylamines, 200
			grams or more, less than
420			400 grams.
	893.1351(3)	1st	Possession of a place
			used to manufacture
			controlled substance when
421			minor is present or
			resides there.
	895.03(1)	1st	Use or invest proceeds
			derived from pattern of
422			racketeering activity.
	895.03(2)	1st	Acquire or maintain
			through racketeering
			activity any interest in
			or control of any
423			enterprise or real
			property.
	895.03(3)	1st	Conduct or participate in
			any enterprise through
			pattern of racketeering
424			activity.

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896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
(i) LEVEL 9		
Florida Statute	Felony Degree	Description
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
409.920	1st	Medicaid provider fraud;

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	(2) (b) 1.c.		\$50,000 or more.
433	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
434	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
435	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
436	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
437	775.0844	1st	Aggravated white collar crime.

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438	7-00529A-14	2014526__	
	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
439	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
440	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
441	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
442	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
443	787.01(1)(a)2.	1st,PBL	Kidnapping with intent

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	7-00529A-14	2014526__	
			to commit or facilitate commission of any felony.
444	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
445	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
446	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
447	787.06(3)(g)	1st,PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
448			

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	7-00529A-14		2014526__
449	787.06(4)	1st	Selling or buying of minors into human trafficking.
450	790.161	1st	Attempted capital destructive device offense.
451	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
452	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
453	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
	<u>794.011(4)(a)</u>	<u>1st,PBL</u>	<u>Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.</u>

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454	<u>794.011(4)(b)</u>	<u>1st</u>	<u>Sexual battery, certain circumstances; victim and offender 18 years of age or older.</u>
455	<u>794.011(4)(c)</u>	<u>1st</u>	<u>Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.</u>
456	<u>794.011(4)(d)</u>	<u>1st,PBL</u>	<u>Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.</u>
457	<del>794.011(4)</del>	<del>1st</del>	<del>Sexual battery; victim 12 years or older, certain circumstances.</del>
458	794.011(8)(b)	1st,PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
459	794.08(2)	1st	Female genital

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	7-00529A-14		2014526__
			mutilation; victim
			younger than 18 years of
460			age.
	796.035	1st	Selling or buying of
			minors into
			prostitution.
461			
	800.04(5)(b)	Life	Lewd or lascivious
			molestation; victim less
			than 12 years; offender
462			18 years or older.
	812.13(2)(a)	1st,PBL	Robbery with firearm or
			other deadly weapon.
463			
	812.133(2)(a)	1st,PBL	Carjacking; firearm or
			other deadly weapon.
464			
	812.135(2)(b)	1st	Home-invasion robbery
			with weapon.
465			
	817.535(3)(b)	1st	Filing false lien or
			other unauthorized
			document; second or
			subsequent offense;
			property owner is a
			public officer or
			employee.

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	7-00529A-14		2014526__
466			
	817.535(4)(a)2.	1st	Filing false claim or
			other unauthorized
			document; defendant is
			incarcerated or under
			supervision.
467			
	817.535(5)(b)	1st	Filing false lien or
			other unauthorized
			document; second or
			subsequent offense;
			owner of the property
			incurs financial loss as
			a result of the false
			instrument.
468			
	817.568(7)	2nd, PBL	Fraudulent use of
			personal identification
			information of an
			individual under the age
			of 18 by his or her
			parent, legal guardian,
			or person exercising
			custodial authority.
469			
	827.03(2)(a)	1st	Aggravated child abuse.
470			
	847.0145(1)	1st	Selling, or otherwise
			transferring custody or

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	7-00529A-14		2014526__
			control, of a minor.
471	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
472	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
473	893.135	1st	Attempted capital trafficking offense.
474	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
475	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
476	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.

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477	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
478	893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
479	893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
480	893.135 (1)(h)1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
481	893.135 (1)(j)1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
482	893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
483	896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding

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\$100,000.

896.104 (4) (a) 3. 1st Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

Section 4. Section 921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1) (a) The Criminal Punishment Code worksheet is used to compute the subtotal and total sentence points as follows:

FLORIDA CRIMINAL PUNISHMENT CODE  
WORKSHEET

OFFENSE SCORE

Primary Offense

Level	Sentence Points	Total
10	116	= .....
9	92	= .....

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8	74	=	.....
7	56	=	.....
6	36	=	.....
5	28	=	.....
4	22	=	.....
3	16	=	.....
2	10	=	.....
1	4	=	.....
Total			
Additional Offenses			
Level	Sentence Points	Counts	Total
10	58	x ....	= ....

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518	9	46	x	....	=	....
519	8	37	x	....	=	....
520	7	28	x	....	=	....
521	6	18	x	....	=	....
522	5	5.4	x	....	=	....
523	4	3.6	x	....	=	....
524	3	2.4	x	....	=	....
525	2	1.2	x	....	=	....
526	1	0.7	x	....	=	....
527	M	0.2	x	....	=	....
528						
529						Total
530						
531						
532						Victim Injury

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	Level	Sentence Points		Number		Total
533	2nd degree murder- death	240	x	....	=	....
534	Death	120	x	....	=	....
535	Severe	40	x	....	=	....
536	Moderate	18	x	....	=	....
537	Slight	4	x	....	=	....
538	Sexual penetration	80	x	....	=	....
539	Sexual contact	40	x	....	=	....
540						
541						Total
542						
543						
544	Primary Offense + Additional Offenses + Victim Injury =					
545	TOTAL OFFENSE SCORE					
546						

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## PRIOR RECORD SCORE

## Prior Record

Level	Sentence Points		Number		Total
10	29	x	....	=	....
9	23	x	....	=	....
8	19	x	....	=	....
7	14	x	....	=	....
6	9	x	....	=	....
5	3.6	x	....	=	....
4	2.4	x	....	=	....
3	1.6	x	....	=	....
2	0.8	x	....	=	....
1	0.5	x	....	=	....
M	0.2	x	....	=	....

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## Total

TOTAL OFFENSE SCORE.....
TOTAL PRIOR RECORD SCORE.....
LEGAL STATUS.....
COMMUNITY SANCTION VIOLATION.....
PRIOR SERIOUS FELONY.....
PRIOR CAPITAL FELONY.....
FIREARM OR SEMIAUTOMATIC WEAPON.....
SUBTOTAL.....
PRISON RELEASEE REOFFENDER (no) (yes).....
VIOLENT CAREER CRIMINAL (no) (yes).....
HABITUAL VIOLENT OFFENDER (no) (yes).....
HABITUAL OFFENDER (no) (yes).....
DRUG TRAFFICKER (no) (yes) (x multiplier).....
LAW ENF. PROTECT. (no) (yes) (x multiplier).....
MOTOR VEHICLE THEFT (no) (yes) (x multiplier).....
CRIMINAL GANG OFFENSE (no) (yes) (x multiplier).....
DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes) (x multiplier).....
<u>ADULT-ON-MINOR SEX OFFENSE (no) (yes) (x multiplier)</u> .....
.....
TOTAL SENTENCE POINTS.....

(b) WORKSHEET KEY:

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590  
591 Legal status points are assessed when any form of legal status  
592 existed at the time the offender committed an offense before the  
593 court for sentencing. Four (4) sentence points are assessed for  
594 an offender's legal status.

595  
596 Community sanction violation points are assessed when a  
597 community sanction violation is before the court for sentencing.  
598 Six (6) sentence points are assessed for each community sanction  
599 violation and each successive community sanction violation,  
600 unless any of the following apply:

601 1. If the community sanction violation includes a new  
602 felony conviction before the sentencing court, twelve (12)  
603 community sanction violation points are assessed for the  
604 violation, and for each successive community sanction violation  
605 involving a new felony conviction.

606 2. If the community sanction violation is committed by a  
607 violent felony offender of special concern as defined in s.  
608 948.06:

609 a. Twelve (12) community sanction violation points are  
610 assessed for the violation and for each successive violation of  
611 felony probation or community control where:

612 I. The violation does not include a new felony conviction;  
613 and

614 II. The community sanction violation is not based solely on  
615 the probationer or offender's failure to pay costs or fines or  
616 make restitution payments.

617 b. Twenty-four (24) community sanction violation points are  
618 assessed for the violation and for each successive violation of

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619 felony probation or community control where the violation  
620 includes a new felony conviction.

621  
622 Multiple counts of community sanction violations before the  
623 sentencing court shall not be a basis for multiplying the  
624 assessment of community sanction violation points.

625  
626 Prior serious felony points: If the offender has a primary  
627 offense or any additional offense ranked in level 8, level 9, or  
628 level 10, and one or more prior serious felonies, a single  
629 assessment of thirty (30) points shall be added. For purposes of  
630 this section, a prior serious felony is an offense in the  
631 offender's prior record that is ranked in level 8, level 9, or  
632 level 10 under s. 921.0022 or s. 921.0023 and for which the  
633 offender is serving a sentence of confinement, supervision, or  
634 other sanction or for which the offender's date of release from  
635 confinement, supervision, or other sanction, whichever is later,  
636 is within 3 years before the date the primary offense or any  
637 additional offense was committed.

638  
639 Prior capital felony points: If the offender has one or more  
640 prior capital felonies in the offender's criminal record, points  
641 shall be added to the subtotal sentence points of the offender  
642 equal to twice the number of points the offender receives for  
643 the primary offense and any additional offense. A prior capital  
644 felony in the offender's criminal record is a previous capital  
645 felony offense for which the offender has entered a plea of nolo  
646 contendere or guilty or has been found guilty; or a felony in  
647 another jurisdiction which is a capital felony in that



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648 jurisdiction, or would be a capital felony if the offense were  
649 committed in this state.

650  
651 Possession of a firearm, semiautomatic firearm, or machine gun:  
652 If the offender is convicted of committing or attempting to  
653 commit any felony other than those enumerated in s. 775.087(2)  
654 while having in his or her possession: a firearm as defined in  
655 s. 790.001(6), an additional eighteen (18) sentence points are  
656 assessed; or if the offender is convicted of committing or  
657 attempting to commit any felony other than those enumerated in  
658 s. 775.087(3) while having in his or her possession a  
659 semiautomatic firearm as defined in s. 775.087(3) or a machine  
660 gun as defined in s. 790.001(9), an additional twenty-five (25)  
661 sentence points are assessed.

662 Sentencing multipliers:

663  
664 Drug trafficking: If the primary offense is drug trafficking  
665 under s. 893.135, the subtotal sentence points are multiplied,  
666 at the discretion of the court, for a level 7 or level 8  
667 offense, by 1.5. The state attorney may move the sentencing  
668 court to reduce or suspend the sentence of a person convicted of  
669 a level 7 or level 8 offense, if the offender provides  
670 substantial assistance as described in s. 893.135(4).  
671

672  
673 Law enforcement protection: If the primary offense is a  
674 violation of the Law Enforcement Protection Act under s.  
675 775.0823(2), (3), or (4), the subtotal sentence points are  
676 multiplied by 2.5. If the primary offense is a violation of s.

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677 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
678 are multiplied by 2.0. If the primary offense is a violation of  
679 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
680 Protection Act under s. 775.0823(10) or (11), the subtotal  
681 sentence points are multiplied by 1.5.

682  
683 Grand theft of a motor vehicle: If the primary offense is grand  
684 theft of the third degree involving a motor vehicle and in the  
685 offender's prior record, there are three or more grand thefts of  
686 the third degree involving a motor vehicle, the subtotal  
687 sentence points are multiplied by 1.5.

688  
689 Offense related to a criminal gang: If the offender is convicted  
690 of the primary offense and committed that offense for the  
691 purpose of benefiting, promoting, or furthering the interests of  
692 a criminal gang as defined in s. 874.03, the subtotal sentence  
693 points are multiplied by 1.5. If applying the multiplier results  
694 in the lowest permissible sentence exceeding the statutory  
695 maximum sentence for the primary offense under chapter 775, the  
696 court may not apply the multiplier and must sentence the  
697 defendant to the statutory maximum sentence.

698  
699 Domestic violence in the presence of a child: If the offender is  
700 convicted of the primary offense and the primary offense is a  
701 crime of domestic violence, as defined in s. 741.28, which was  
702 committed in the presence of a child under 16 years of age who  
703 is a family or household member as defined in s. 741.28(3) with  
704 the victim or perpetrator, the subtotal sentence points are  
705 multiplied by 1.5.

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706  
707 Adult-on-minor sex offense: If the offender was 18 years of age  
708 or older and the victim was younger than 18 years of age at the  
709 time the offender committed the primary offense, and if the  
710 primary offense was an offense committed on or after October 1,  
711 2014, and is a violation of s. 787.01(2), which includes a  
712 sexual battery or lewd act as described in s. 787.01(2)(a)2. and  
713 3.; s. 787.02(3), which includes a sexual battery or lewd act as  
714 described in s. 787.02(3)(a)2. and 3.; s. 794.011, excluding s.  
715 794.011(10); s. 794.05; s. 800.04; or s. 847.0135(5), the  
716 subtotal sentence points are multiplied by 2.0. If applying the  
717 multiplier results in the lowest permissible sentence exceeding  
718 the statutory maximum sentence for the primary offense under  
719 chapter 775, the court may not apply the multiplier and must  
720 sentence the defendant to the statutory maximum sentence.

721 (2) The lowest permissible sentence is the minimum sentence  
722 that may be imposed by the trial court, absent a valid reason  
723 for departure. The lowest permissible sentence is any nonstate  
724 prison sanction in which the total sentence points equals or is  
725 less than 44 points, unless the court determines within its  
726 discretion that a prison sentence, which may be up to the  
727 statutory maximums for the offenses committed, is appropriate.  
728 When the total sentence points exceeds 44 points, the lowest  
729 permissible sentence in prison months shall be calculated by  
730 subtracting 28 points from the total sentence points and  
731 decreasing the remaining total by 25 percent. The total sentence  
732 points shall be calculated only as a means of determining the  
733 lowest permissible sentence. The permissible range for  
734 sentencing shall be the lowest permissible sentence up to and

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735 including the statutory maximum, as defined in s. 775.082, for  
736 the primary offense and any additional offenses before the court  
737 for sentencing. The sentencing court may impose such sentences  
738 concurrently or consecutively. However, any sentence to state  
739 prison must exceed 1 year. If the lowest permissible sentence  
740 under the code exceeds the statutory maximum sentence as  
741 provided in s. 775.082, the sentence required by the code must  
742 be imposed. If the total sentence points are greater than or  
743 equal to 363, the court may sentence the offender to life  
744 imprisonment. An offender sentenced to life imprisonment under  
745 this section is not eligible for any form of discretionary early  
746 release, except executive clemency or conditional medical  
747 release under s. 947.149.

748 (3) A single scoresheet shall be prepared for each  
749 defendant to determine the permissible range for the sentence  
750 that the court may impose, except that if the defendant is  
751 before the court for sentencing for more than one felony and the  
752 felonies were committed under more than one version or revision  
753 of the guidelines or the code, separate scoresheets must be  
754 prepared. The scoresheet or scoresheets must cover all the  
755 defendant's offenses pending before the court for sentencing.  
756 The state attorney shall prepare the scoresheet or scoresheets,  
757 which must be presented to the defense counsel for review for  
758 accuracy in all cases unless the judge directs otherwise. The  
759 defendant's scoresheet or scoresheets must be approved and  
760 signed by the sentencing judge.

761 (4) The Department of Corrections, in consultation with the  
762 Office of the State Courts Administrator, state attorneys, and  
763 public defenders, must develop and submit the revised Criminal

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Punishment Code scoresheet to the Supreme Court for approval by June 15 of each year, as necessary. Upon the Supreme Court's approval of the revised scoresheet, the Department of Corrections shall produce and provide sufficient copies of the revised scoresheets by September 30 of each year, as necessary. Scoresheets must include item entries for the scoresheet preparer's use in indicating whether any prison sentence imposed includes a mandatory minimum sentence or the sentence imposed was a downward departure from the lowest permissible sentence under the Criminal Punishment Code.

(5) The Department of Corrections shall distribute sufficient copies of the Criminal Punishment Code scoresheets to those persons charged with the responsibility for preparing scoresheets.

(6) The clerk of the circuit court shall transmit a complete, accurate, and legible copy of the Criminal Punishment Code scoresheet used in each sentencing proceeding to the Department of Corrections. Scoresheets must be transmitted no less frequently than monthly, by the first of each month, and may be sent collectively.

(7) A sentencing scoresheet must be prepared for every defendant who is sentenced for a felony offense. A copy of the individual offender's Criminal Punishment Code scoresheet and any attachments thereto prepared pursuant to Rule 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or any other rule pertaining to the preparation and submission of felony sentencing scoresheets, must be attached to the copy of the uniform judgment and sentence form provided to the Department of Corrections.

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Section 5. Section 921.30, Florida Statutes, is created to read:

921.30 Court finding that offense was sexually motivated.—  
For offenses other than those specifically defined as a sexually  
violent offense in s. 394.912(9)(a)-(f), the state attorney may  
move the court to make a written finding on the record that,  
based on the circumstances of the case, including consideration  
of a victim impact statement, the person's offense was sexually  
motivated.

Section 6. Paragraph (e) is added to subsection (4) of section 944.275, Florida Statutes, to read:

944.275 Gain-time.—

(4)

(e) Notwithstanding subparagraph (b)3., for sentences  
imposed for offenses committed on or after October 1, 2014, the  
department may not grant incentive gain-time if the offense is a  
violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.  
787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
794.05; s. 800.04; s. 825.1025; or s. 847.0135(5).

Section 7. Subsection (13) is added to section 947.1405, Florida Statutes, to read:

947.1405 Conditional release program.—

(13) If a person who is transferred to the custody of the  
Department of Children and Families pursuant to part V of  
chapter 394 is subject to conditional release supervision, the  
period of conditional release supervision is tolled until such  
person is no longer in the custody of the Department of Children  
and Families. This subsection applies to all periods of  
conditional release supervision which begin on or after October

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822 1, 2014, regardless of the date of the underlying offense.

823 Section 8. Subsection (1) of section 948.012, Florida  
824 Statutes, is amended, and subsections (5) and (6) are added to  
825 that section, to read:

826 948.012 Split sentence of probation or community control  
827 and imprisonment.—

828 (1) ~~If whenever~~ punishment by imprisonment for a  
829 misdemeanor or a felony, except for a capital felony, is  
830 prescribed, the court, ~~in its discretion~~, may, at the time of  
831 sentencing, impose a split sentence whereby the defendant is to  
832 be placed on probation or, with respect to any such felony, into  
833 community control upon completion of any specified period of  
834 such sentence which may include a term of years or less. In such  
835 case, the court shall stay and withhold the imposition of the  
836 remainder of sentence imposed upon the defendant and direct that  
837 the defendant be placed upon probation or into community control  
838 after serving such period as may be imposed by the court. Except  
839 as provided in subsection (6), the period of probation or  
840 community control shall commence immediately upon the release of  
841 the defendant from incarceration, whether by parole or gain-time  
842 allowances.

843 (5) (a) Effective for offenses committed on or after October  
844 1, 2014, if the court imposes a term of years in accordance with  
845 s. 775.082 which is less than the maximum sentence for the  
846 offense, the court must impose a split sentence pursuant to  
847 subsection (1) for any person who is convicted of a violation  
848 of:

- 849 1. Section 782.04(1)(a)2.c.;  
850 2. Section 787.01(3)(a)2. or 3.;

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851 3. Section 787.02(3)(a)2. or 3.;

852 4. Section 794.011, excluding s. 794.011(10);

853 5. Section 794.05;

854 6. Section 800.04;

855 7. Section 825.1025; or

856 8. Section 847.0135(5).

857 (b) The probation or community control portion of the split  
858 sentence imposed by the court must extend for at least 2 years.  
859 However, if the term of years imposed by the court extends to  
860 within 2 years of the maximum sentence for the offense, the  
861 probation or community control portion of the split sentence  
862 must extend for the remainder of the maximum sentence.

863 (6) If a defendant who has been sentenced to a split  
864 sentence pursuant to subsection (1) is transferred to the  
865 custody of the Department of Children and Families pursuant to  
866 part V of chapter 394, the period of probation or community  
867 control is tolled until such person is no longer in the custody  
868 of the Department of Children and Families. This subsection  
869 applies to all sentences of probation or community control which  
870 begin on or after October 1, 2014, regardless of the date of the  
871 underlying offense.

872 Section 9. If any provision of this act or its application  
873 to any person or circumstance is held invalid, the invalidity  
874 does not affect other provisions or applications of this act  
875 which can be given effect without the invalid provision or  
876 application, and to this end the provisions of this act are  
877 severable.

878 Section 10. This act shall take effect October 1, 2014.

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The Florida Senate

## Committee Agenda Request

**To:** Senator Greg Evers, Chair  
Committee on Criminal Justice

**Subject:** Committee Agenda Request

**Date:** December 20, 2013

---

I respectfully request that **Senate Bill # 526**, relating to Sexual Offenders, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Rob Bradley", is written over a horizontal line.

Senator Rob Bradley  
Florida Senate, District 7

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/13/14  
Meeting Date

Topic Sexual Offenses

Bill Number 526  
(if applicable)

Name Keri Silver

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address PO Box 1565  
Street

Phone 850-524-2394

Tallahassee FL 32302  
City State Zip

E-mail Keri@raybornconsultants.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Sheriff's Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/13/2014

*Meeting Date*

Topic \_\_\_\_\_

Bill Number 526  
*(if applicable)*

Name Brian Pitts

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Trustee

Address 1119 Newton Ave S.  
*Street*

Phone 727/897-9291

St Petersburg FL 33705  
*City State Zip*

E-mail justice2jesus@yahoo.com

Speaking: ☐ For ☒ Against ☒ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/20/11)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Criminal Justice

---

BILL: SB 528

INTRODUCER: Senator Evers

SUBJECT: Sex Offenses

DATE: January 3, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	<b>Favorable</b>
2.			JU	
3.			AP	

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**I. Summary:**

SB 528 makes numerous changes to Florida laws relevant to registration of sexual predators and sexual offenders (“registrants”). The most important change may be requiring registrants to provide additional personal information, such as information on vehicles a registrant owns and vehicles owned by a person residing with the registrant that may be operated by the registrant.

Specifically, the bill does the following:

- adds specified “sexual misconduct” offenses to criteria or definitions that qualify a person as a sexual predator or sexual offender;
- requires registrants who are unable to secure or update a driver license or identification card with the Department of Highway Safety and Motor Vehicles to report any change of residence or change of name within 48 hours after the change;
- requires registrants who volunteer at an institution of higher education to report this information;
- requires registrants to report information regarding their intention to establish a residence in another country (or intention to remain in Florida after previously reporting an intention to reside in another country);
- punishes registrants who fail to report Internet identifiers prior to use and registrants who knowingly provide false registration information; and
- modifies provisions relevant to seeking removal of registration requirements to allow for additional sexual offenders to petition for registration removal if criteria are met.



## **II. Present Situation:**

### **Registration of Sexual Predators and Sexual Offenders: General Information**

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sexual offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender. The registration laws, which also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders, span several different chapters and numerous statutes,<sup>1</sup> and are implemented through the combined efforts of the Florida Department of Law Enforcement (FDLE), all Florida sheriffs, the Department of Corrections (DOC), the Department of Juvenile Justice (DJJ), the Department of Highway Safety and Motor Vehicles (DHSMV), and the Department of Children and Families (DCF).

A person is designated as a sexual predator by a court if the person:

- has been convicted of a current qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;
- has been convicted of a current qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- is subject to civil commitment.<sup>2</sup>

The FDLE classifies a person as a sexual offender if the person:

- has been convicted of a qualifying sex offense and has been released on or after October 1, 1997 (the date the modern registry became effective) from the sanction imposed for that offense;
- establishes or maintains a Florida residence and is subject to registration and/or community/public notification in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- on or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the person was 14 years of age or older.<sup>3</sup>

Requirements for in-person registration and reregistration are similar for sexual predators and sexual offenders but frequency of reregistration depends on the qualifying offense. Registration requirements may also differ based on a special status, e.g., the sexual predator or sexual offender is in the DOC's control or custody, under DOC or DJJ supervision, or in residential commitment under the DJJ. The DOC and DJJ are required to report certain information on sexual predators and sexual offenders to the FDLE and other persons or entities.

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<sup>1</sup> See ss. 775.21–775.25, 943.043–943.0437, 944.606–944.607, and 985.481–985.4815, F.S.

<sup>2</sup> See s. 775.21, F.S.

<sup>3</sup> See ss. 943.0435 and 985.4815, F.S.

The FDLE, through its agency website, provides a searchable database that contains information about sexual predators and sexual offenders.<sup>4</sup> Further, local law enforcement agencies provide access to this information, typically through a link to the state public registry webpage.<sup>5</sup>

Florida's registry laws meet minimum federal requirements. The federal Sex Offender Registration and Notification Act (SORNA), which is Title I of the Adam Walsh Protection and Safety Act of 2006 (AWA),<sup>6</sup> attempts to make all states' laws uniform with respect to requirements (or minimum standards) that Congress has judged to be necessary to be included in states' registry laws. The U.S. Department of Justice (DOJ) maintains the Dru Sjodin National Sex Offender Public Website.<sup>7</sup> States are free to choose not to substantially implement SORNA. However, the AWA penalizes noncompliance by partially reducing Byrne Justice Assistance Grant funding. The DOJ has determined that Florida has substantially implemented SORNA.<sup>8</sup> Florida was the third state to do so.<sup>9</sup>

### **Registration and Reregistration Requirements**

Reporting requirements and time periods for reporting differ depending upon whether or not the registrant (sexual predator or sexual offender) is under DOC or DJJ custody or supervision, under the custody of a private correctional facility, under the custody of a local jail, under federal supervision, or under none of these custody or supervision statuses. In describing the registration and registration process, this analysis focuses on the registrant who is in none of these custody or supervision statuses and resides in Florida. However, staff notes that any registrant released from custody without a subsequent period of supervision would be subject to this process, and registrants under DOC or DJJ supervision would be subject to a registration and reregistration process substantially similar to the process described.

The registrant must initially report in person to the local sheriff's office within 48 hours of:

- establishing or maintaining a residence in Florida (sexual predators and sexual offenders);
- a designation by the court that the registrant is a sexual predator;
- release from custody or supervision (sexual offenders); or

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<sup>4</sup> The FDLE is the central repository for registration information. It also maintains the state public registry and ensures Florida's compliance with federal laws. The Florida sheriffs handle in-person registration and reregistration. Florida Department of Law Enforcement, About Us, <http://offender.fdle.state.fl.us/offender/About.jsp> (last visited on January 2, 2014).

<sup>5</sup> Link to the state public registry webpage: [http://offender.fdle.state.fl.us/offender/homepage.do;jsessionid=Te-Tt1GRPwWA5HTSbLUQVw\\_\\_](http://offender.fdle.state.fl.us/offender/homepage.do;jsessionid=Te-Tt1GRPwWA5HTSbLUQVw__) (last visited on January 2, 2014).

<sup>6</sup> P.L. 109-248 (July 27, 2006).

<sup>7</sup> United States Department of Justice, Dru Sjodin National Sex Offender Public Website, <http://www.nsopw.gov/Core/Portal.aspx> (last visited on January 2, 2014).

<sup>8</sup> This standard is satisfied if a jurisdiction carries out SORNA requirements (as interpreted and explained by DOJ guidelines). Substantial implementation does not necessarily mean full implementation. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, U.S. Department of Justice, "Jurisdictions that have substantially implemented SORNA," [http://www.ojp.usdoj.gov/smart/newsroom\\_jurisdictions\\_sorna.htm](http://www.ojp.usdoj.gov/smart/newsroom_jurisdictions_sorna.htm) (last visited on January 2, 2014).

<sup>9</sup> Florida Department of Law Enforcement, Press Release, "Governor Crist Announces Florida's Implementation of the Adam Walsh Act" (May 18, 2010), <http://www.fdle.state.fl.us/Content/News/2010/May-2010/Governor-Crist-Announces-Florida%E2%80%99s-Implementation-.aspx> (last visited on January 2, 2014).

- conviction, if the registrant is not under the control, custody, or supervision of the DOC or the custody of a private correctional facility (sexual offenders).<sup>10</sup>

At this initial registration, registrants must provide:

- specified personal identification information;
- social security number;
- address and telephone numbers (home and cellular);
- photograph and fingerprints;
- electronic mail address and any instant message name;
- occupation and place of employment; and
- date and place of each conviction and a brief description of the crime or crimes committed.<sup>11</sup>

After initial reporting, registrants must report in person to a driver's license office and provide proof of initial registration to secure or renew a driver's license or identification card. Each time the registrant's driver's license or identification is subject to renewal, and within 48 hours after any change in residence or the registrant's name, the registrant must report in person to the driver's license office.<sup>12</sup>

All sexual predators and some sexual offenders are required to reregister with their local sheriff four times a year. All other sexual offenders are required to reregister twice a year.<sup>13</sup>

Additionally, the following events are subject to expedited reporting to the sheriff:

- enrolling, obtaining employment, or carrying on a vocation at a Florida institution of higher education (including changes to this information);
- electronic mail address and instant message names prior to their use;
- vacating a residence without having another residence;
- remaining at a residence the registrant has reported he or she will vacate;
- intending to reside in another state or non-Florida jurisdiction;
- remaining in Florida after reporting the intent to establish a residence in another state or non-Florida jurisdiction; and
- living in another state but working or attending school in Florida.<sup>14</sup>

### **Agency Reporting of Information Regarding Sexual Predators and Sexual Offenders**

The DOC must report to the FDLE certain personal information regarding a sexual offender who is:

- being released after serving a period of incarceration; or

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<sup>10</sup> See ss. 775.21(6)(e) and 943.0435(2)(a), F.S.

<sup>11</sup> See ss. 775.21(6)(a) and (e) and 943.0435(2)(a) and (b), F.S.

<sup>12</sup> See ss. 775.21(6)(f) and (g)1. and 943.0435(3) and (4)(a), F.S.

<sup>13</sup> See ss. 775.21(8) and 943.0435(14), F.S.

<sup>14</sup> See ss. 775.21(6)(g)2.–4., (i), and (j) and 943.0435(2)(b)2. and (4)(b)–(d), (7), and (8), F.S.

- in the DOC's custody or control or under its supervision, or in the custody of a private correctional facility.<sup>15</sup>

The DJJ must report to the FDLE certain personal information regarding a sexual offender who is:

- released from DJJ residential commitment; or
- under DJJ supervision but who is not committed.<sup>16</sup>

### **Prohibitions and Penalties**

Certain sexual predators are prohibited from working or volunteering at places where children regularly congregate. A violation of this prohibition is a third degree felony.<sup>17</sup>

It is a second degree felony for a registrant to report that he or she intends to or did vacate a residence but remains at the residence without reporting this information.<sup>18</sup>

It is a third degree felony for a registrant to fail to report his or her intent to establish a residence in another state or jurisdiction.<sup>19</sup> It is a second degree felony for a registrant to report his or her intent to establish a residence in another state or jurisdiction but remain in this state without reporting that information.<sup>20</sup>

It is a third degree felony for a registrant to fail to comply with registration requirements.<sup>21</sup>

### **Removal of Registration Requirement**

Generally, sexual predators and sexual offenders are subject to lifetime registration, unless they receive a full pardon or have a conviction set aside for a registration-qualifying offense.<sup>22</sup> However, some sexual offenders may petition under s. 943.0435, F.S., for removal of registration requirements if they have been released from the latest sanction for at least 25 years, are arrest-free since release, and do not have an adult conviction for a disqualifying offense.<sup>23</sup>

Additionally, a small number of registrants who were teenagers or young adults when they committed their offense may qualify for registration removal under s. 943.04354, F.S. (which is sometimes referred to as the "Romeo and Juliet" statute). A sexual predator or sexual offender who qualifies under the statute may move or petition for removal of registration requirements.

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<sup>15</sup> See ss. 944.606 and 944.607, F.S.

<sup>16</sup> See ss. 985.481 and 985.4815, F.S.

<sup>17</sup> Section 775.21(10)(b), F.S.

<sup>18</sup> See ss. 775.21(6)(g)3. and (10)(a) and 943.0435(4)(c), F.S.

<sup>19</sup> See ss. 775.21(6)(i) and (10)(a) and 943.0435(7) and (9)(a), F.S.

<sup>20</sup> See ss. 775.21(6)(j) and (10)(a) and 943.0435(8) and (9)(a), F.S.

<sup>21</sup> See ss. 775.21(10)(a); 943.0435(9)(a) and (14)(c)4.; 944.607(10)(a) and (13)(c)4.; and 985.4815(9), (10)(a), and (13)(b)4., F.S.

<sup>22</sup> See ss. 775.21(6)(l) and 943.0435(11), F.S.

<sup>23</sup> Section 943.0435(11), F.S.

Qualifying criteria are:

- a qualifying sex offense;
- registration is based solely on that offense;
- the registrant was not more than 4 years older than the victim of that offense; and
- the victim was 14-17 years of age when that offense was committed.

The court may grant the motion or petition if it finds that these criteria are met and registration removal will not conflict with federal law.<sup>24</sup>

### **III. Effect of Proposed Changes:**

The bill makes numerous changes to Florida laws relevant to registration of sexual predators and sexual offenders (“registrants”), including, but not limited to, adding additional information that must be provided by registrants, adding additional offenses that qualify an offender for registration, punishing noncompliance with registration requirements, and modifying the process for seeking removal of registration requirements. The bill takes effect on October 1, 2014.

#### **Adds Registration-Qualifying Offenses (Sections 1, 2, and 6)**

The bill amends ss. 775.21, 943.0435, and 944.607, F.S., to expand registration-qualifying offenses to include:

- sexual misconduct between an employee of the Agency for Persons with Disabilities (APD) (or another covered person) and an individual with a developmental disability;<sup>25</sup>
- sexual misconduct between a DCF employee (or other specified employee) and a patient;<sup>26</sup> and
- sexual misconduct between an APD/DCF employee (or another covered person) and a forensic client.<sup>27</sup>

#### **Adds Information Registrants Must Report (Sections 1, 2, 6, and 7)**

The bill amends ss. 775.21, 943.0435, 944.607, and 985.481, F.S., to require registrants to provide additional information as part of the registration/reregistration process, including:

- the make, model, color, registration number, and license tag number of all vehicles that are owned by the registrant and all vehicles that are owned by a person who resides with the registrant and that may be operated by the registrant;
- Internet identifiers (prior to their use);

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<sup>24</sup> Federal conflict may occur if the sex offense doesn’t fall within a “consensual sexual conduct” exception to SORNA’s registration requirements. SORNA does not require registration if two persons 13 years of age or older engage in consensual sexual conduct and no more than 4 years separates their ages. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, U.S. Department of Justice, “SORNA,” <http://www.ojp.usdoj.gov/smart/sorna.htm#consensualconduct> (last visited on January 2, 2014).

<sup>25</sup> Section 393.135(2), F.S.

<sup>26</sup> Section 394.4593(2), F.S.

<sup>27</sup> Section 916.1075(2), F.S.

- palm prints;
- passports;
- professional license information;
- immigration status information; and
- volunteer status at a Florida institution of higher education.

#### **Requires Registrants Who Can't Procure a Driver's License/State ID to Report Information (Sections 1 and 2)**

The bill amends ss. 775.21 and 943.0435, F.S., to require registrants who are unable to secure or update a driver license or identification card with the DHSMV to report any change of residence or change of name by reason of marriage or other legal process within 48 hours after the change. This information is reported to the sheriff's office in the county where the registrant resides or is located and the information must include a confirmation that the registrant reported the information to the DHSMV.

#### **Requires Registrants Intending to Reside in Another Country to Report Information (Sections 1 and 2)**

The bill amends ss. 775.21 and 943.0435, F.S., to require registrants who intend to establish a residence in another country to report in person to the sheriff of the county of current residence within 21 days before their planned departure date if the intended residence of 5 days or more is outside the United States and to provide to the sheriff the address and country of intended residence. Further, registrants who remain in Florida after previously reporting an intent to reside in another country must report their intent to remain in Florida to the sheriff who received the previous report. This reporting must occur within 48 hours after the date the registrant indicated he or she would leave Florida.

#### **Prohibits and Punishes Certain Acts (Sections 1, 2, 6, and 9)**

The bill amends ss. 775.21, 943.0435, 944.607, and 985.4815, F.S., to provide that it is:

- a second degree felony for a registrant who reports his or her intent to establish a residence in another country to remain in Florida without reporting to the sheriff this information;
- a third degree felony to fail to report all required Internet identifiers prior to use; and
- a third degree felony to knowingly provide false registration information by act or omission.

The bill amends s. 921.0022, F.S., to update descriptive language in the offense severity ranking chart of the Criminal Punishment Code to reflect these changes.

#### **Reports Internet Identifiers to Commercial Social Networking Websites (Section 4)**

The bill amends s. 943.0437, F.S., to authorize the FDLE to provide information on Internet identifiers maintained as part of the registry to commercial social networking websites or third parties designated by those websites. This information may be used by those websites to compare registered users and screen potential users of the websites. The websites are not subject

to civil liability for any action voluntarily taken in good faith to remove or disable any profile of a registered user associated with an Internet identifier contained in the registry.

### **Reports Sexual Offender Information to the FDLE (Sections 5 and 7)**

The bill amends ss. 944.606 and 985.481, F.S., which require the DOC and the DJJ to notify the FDLE of certain information regarding released sexual offenders, to:

- include the previously mentioned “sexual misconduct” offenses to the definition of “sexual offender” in that statute; and
- require the DOC and the DJJ to report palm prints; Internet identifiers; professional licenses, if known; passport information; and immigration status information.<sup>28</sup>

### **Allows Additional Sexual Offenders to Petition for Registration Removal if Criteria are Met (Sections 2 and 3)**

The bill amends s. 943.0435, F.S., to authorize sexual offenders to petition the court for removal of the registration requirement after 25 or 15 years have elapsed since the sexual offender’s registration period began if certain criteria are met. While some sexual offenders would be eligible under current law to petition after his 25-year period elapsed, others would not be eligible by changes made by the bill. For example, a sexual offender must remain arrest-free during the 25-year period. Under the bill, this requirement is removed.

#### ***Petition for Registration Removal after 25 Years***

The bill authorizes a sexual offender to petition for removal of registration requirements if 25 years have elapsed since the sexual offender’s registration period began for the most recent registration-qualifying conviction or juvenile adjudication<sup>29</sup> and the following criteria are met:

- during the 25 years preceding the petition, there was no conviction or juvenile adjudication resulting in more than one-year imprisonment;
- all sanctions for registration-qualifying offenses were successfully completed;
- registration was not based upon an adult conviction for an offense for which registration removal is prohibited;<sup>30</sup> and
- pertinent only to sexual offenders whose requirement to register is based on a conviction in another state, registration is not required in that state.

#### ***Petition for Registration Removal after 15 Years***

An exception to the 25-year requirement is a registration-qualifying adult conviction of certain sex offenses. Specifically, a sexual offender may petition the court for removal of registration requirements if 15 years have elapsed since the sexual offender’s registration period began for an

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<sup>28</sup> The DJJ must also report vehicle information.

<sup>29</sup> The offenses pertinent to juvenile adjudication are listed in s. 943.0435(1)(a)1.d., F.S.

<sup>30</sup> Removal of registration requirement is prohibited if the adult conviction was for: kidnapping; sexual battery; lewd battery under s. 800.04(4)(b), F.S., where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion; lewd molestation under s. 800.04(5)(b), F.S., or s. 800.04(5)(c)2., F.S., where the court finds the offense involved unclothed genitals or genital area; any attempt or conspiracy to commit any of these offenses; or a violation of a similar law of another jurisdiction.

adult conviction for committing, attempting to commit, or conspiring to commit false imprisonment or possession of materials showing sexual conduct by a child (or a violation of a similar law of another jurisdiction) and the offender meets all of the previously-described criteria applicable to a conviction for which the 25-year period would apply.

A sexual offender's registration period is tolled during any period in which the offender is incarcerated, civilly committed, detained pursuant to chapter 985, F.S., or committed to a residential program.

The bill also amends s. 943.04354, F.S. (the "Romeo and Juliet" statute), which authorizes sexual predators and sexual offenders who committed certain sex offenses as young adults or teenagers, to petition for removal of registration requirements if certain criteria are met. The major substantive changes the bill makes to the statute include:

- changing the victim age criterion so that the victim may be as young as 13 years of age (current law: 14 years of age) when the offense was committed;
- changing the offender age criterion so that the offender may be as old as 18 (current law: 17 years of age) when the offense was committed;
- authorizing convictions and juvenile adjudications of laws of other jurisdictions to be considered as qualifying offenses if they are similar to Florida qualifying offenses; and
- authorizing the FDLE to contest the motion for removal of the registration requirements.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.



## C. Government Sector Impact:

### **Impact to FDLE**

The Florida Department of Law Enforcement (FDLE) has already submitted Legislative Budget Request (LBR) Issue #3004500 “Support Critical FDLE Information Systems” that includes 2 Systems Analysts positions (one recurring and one non-recurring) for the sexual offender/predator registry. According to the FDLE, “the recurring position is to provide support for the additional functionality and enhancements that have been added and absorbed by the FDLE over the past 4 to 5 years. The non-recurring position is to provide further development/enhancements to the registry that improve data sharing, data accuracy, automation of manual processes as well as gaps identified by local law enforcement having evolved from previous legislative changes that were made and now identified as issues.”

The LBR was submitted prior to consideration of any potential fiscal impact of the bill. The FDLE has indicated that most of the changes to the bill are to add additional data to the existing registry. According to the FDLE, these changes could be accomplished using existing fields and data could be collected but the FDLE does not believe that the data necessarily would be “in a usable format for law enforcement to share.” Accordingly, the FDLE has provided two options for funding the impact on the department of implementing provisions of the bill:

**Option 1:** Amend the LBR to make the second System Analyst position recurring. This would not add additional costs for Year One of the LBR, but would require continued funding in Year 2 and beyond. The FDLE indicates that this option would allow continuing adjustments to the registry “as challenges in implementation are identified by law enforcement and prosecutors and as needs for the successful investigation and identification of offenders who are not complying are detected.” The department believes this option would allow it to “provide timely, accurate data” to all partners and to provide a “usable and searchable format for not only registration and accountability of offenders but for investigative purposes in missing children and sexual battery investigations.”

**Option 2:** Add a second non-recurring programmer in addition to the new recurring and non-recurring programmer provided for in the LBR. The FDLE believes this option would permit additional training and programming necessary to “make the changes to the system” required by the bill. However, the FDLE analysis does not specifically identify what the changes would provide as an end product. The option would require an appropriation of \$150,000 to allow for training and 1271 hours of programming.<sup>31</sup>

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<sup>31</sup> Analysis of SB 528 (January 7, 2014), Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice).

**Impact to the Courts**

According to the Office of the State Courts Administrator (OSCA), “there were fewer than 100 failure-to-register cases filed annually in each of the past two years.” In regard to the fiscal impact of the bill on the state courts system, the OSCA states that this impact “cannot be accurately determined due to the unavailability of data needed to quantifiably establish the increase in judicial workload” but “the anticipated impact on the expenditures of the State Courts System will be minimal.” The OSCA indicates that jury instructions will need to be revised.<sup>32</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 775.21, 921.0022, 943.0435, 943.04354, 943.0437, 944.606, 944.607, 985.481, and 985.4815.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>32</sup> Analysis of SB 528 (January 9, 2014), Office of the State Courts Administrator (on file with the Senate Committee on Criminal Justice).

By Senator Evers

2-00528B-14

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1 A bill to be entitled  
 2 An act relating to sex offenses; amending s. 775.21,  
 3 F.S.; revising definitions; providing that voluntary  
 4 disclosure of specified information waives a  
 5 disclosure exemption for such information; adding  
 6 additional offenses to the list of sexual predator  
 7 qualifying offenses; requiring disclosure of  
 8 additional information during the sexual predator  
 9 registration process; requiring that a sexual predator  
 10 who is unable to secure or update a driver license or  
 11 identification card within a specified period report a  
 12 change in certain information to the local sheriff's  
 13 office within a specified time after such change and  
 14 confirm that he or she also reported such information  
 15 to the Department of Highway Safety and Motor  
 16 Vehicles; revising reporting requirements if a sexual  
 17 predator plans to leave the United States for more  
 18 than a specified time; providing criminal penalties  
 19 for knowingly providing false registration information  
 20 by act or omission; conforming provisions to changes  
 21 made by the act; amending s. 943.0435, F.S.; adding  
 22 additional offenses to the list of sexual offender  
 23 qualifying offenses; revising definitions; requiring  
 24 disclosure of additional sexual offender registration  
 25 information; requiring that a sexual offender who is  
 26 unable to secure or update a driver license or  
 27 identification card within a specified period report a  
 28 change in certain information to the local sheriff's  
 29 office within a specified period of time of such

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30 change and confirm that he or she also reported such  
 31 information to the Department of Highway Safety and  
 32 Motor Vehicles; providing additional requirements for  
 33 sexual offenders intending to reside outside of the  
 34 United States; revising criteria applicable to  
 35 provisions that allow removal of the requirement to  
 36 register as a sexual offender; tolling the  
 37 registration period during the offender's term of  
 38 incarceration, commitment to a residential program,  
 39 civil commitment, or detention pursuant to ch. 985,  
 40 F.S.; providing criminal penalties for knowingly  
 41 providing false registration information by act or  
 42 omission; conforming provisions to changes made by the  
 43 act; amending s. 943.04354, F.S.; revising the  
 44 criteria applicable to provisions that allow removal  
 45 of the requirement to register as a sexual offender or  
 46 sexual predator; amending s. 943.0437, F.S.;  
 47 conforming terminology; amending ss. 944.606 and  
 48 944.607, F.S.; adding additional offenses to the list  
 49 of sexual offender qualifying offenses; revising  
 50 definitions; requiring disclosure of additional  
 51 registration information; providing criminal penalties  
 52 for knowingly providing false registration information  
 53 by act or omission; conforming provisions to changes  
 54 made by the act; amending ss. 985.481 and 985.4815,  
 55 F.S.; requiring disclosure of additional registration  
 56 information by certain sexual offenders adjudicated  
 57 delinquent and certain juvenile sexual offenders;  
 58 providing criminal penalties for knowingly providing

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false registration information by act or omission;  
amending s. 921.0022, F.S.; updating provisions of the  
offense severity ranking chart of the Criminal  
Punishment Code to reflect prior changes in the law;  
conforming provisions of the offense severity ranking  
chart to changes made by the act; providing an  
effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (i) of subsection (2), paragraph (a)  
of subsection (4), subsections (6) and (8), and paragraph (a) of  
subsection (10) of section 775.21, Florida Statutes, are amended  
to read:

775.21 The Florida Sexual Predators Act.—

(2) DEFINITIONS.—As used in this section, the term:

(i) “Internet identifier ~~Instant message name~~” means all  
electronic mail, chat, instant messenger, social networking, or  
similar names used for Internet communication, but the term does  
not include a date of birth, social security number, or personal  
identification number (PIN). Voluntary disclosure by a sexual  
predator of his or her date of birth, social security number, or  
PIN as an Internet identifier waives the disclosure exemption in  
this paragraph for such personal information an identifier that  
allows a person to communicate in real time with another person  
using the Internet.

(4) SEXUAL PREDATOR CRITERIA.—

(a) For a current offense committed on or after October 1,  
1993, upon conviction, an offender shall be designated as a

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“sexual predator” under subsection (5), and subject to  
registration under subsection (6) and community and public  
notification under subsection (7) if:

1. The felony is:

a. A capital, life, or first-degree felony violation, or  
any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
is a minor and the defendant is not the victim’s parent or  
guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
violation of a similar law of another jurisdiction; or

b. Any felony violation, or any attempt thereof, of s.  
393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
787.025(2)(c), where the victim is a minor and the defendant is  
not the victim’s parent or guardian; s. 787.06(3)(b), (d), (f),  
(g), or (h); s. 794.011, excluding s. 794.011(10); s. 794.05; s.  
796.03; s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025 ~~or~~  
~~825.1025(2)(b);~~ s. 827.071; s. 847.0135(5); s. 847.0145; s.  
916.1075(2); or s. 985.701(1); or a violation of a similar law  
of another jurisdiction, and the offender has previously been  
convicted of or found to have committed, or has pled nolo  
contendere or guilty to, regardless of adjudication, any  
violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
787.02, or s. 787.025(2)(c), where the victim is a minor and the  
defendant is not the victim’s parent or guardian; s.  
787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
847.0135(6); s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a  
violation of a similar law of another jurisdiction;

2. The offender has not received a pardon for any felony or

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similar law of another jurisdiction that is necessary for the operation of this paragraph; and

3. A conviction of a felony or similar law of another jurisdiction necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(6) REGISTRATION.—

(a) A sexual predator shall ~~must~~ register with the department through the sheriff's office by providing the following information to the department:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; photograph; address of legal residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; all any electronic mail addresses ~~address~~ and all Internet identifiers ~~any instant message name~~ required to be provided pursuant to subparagraph (g)4.; all home telephone numbers ~~number~~ and any cellular telephone numbers ~~number~~; date and place of any employment; the make, model, color, registration number, and license tag number of all vehicles that are owned by the sexual predator and all vehicles that are owned by a person who resides at the sexual predator's residence and that may be operated by the sexual predator; date and place of each conviction; fingerprints; palm prints; and a brief description of the crime or crimes committed by the offender. A post office box may ~~shall~~ not be provided in

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lieu of a physical residential address. The sexual predator shall produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual predator shall also provide information about any professional licenses he or she has.

a. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide to the department written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

b. If the sexual predator is enrolled, employed, volunteering, or carrying on a vocation at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment, volunteer, or employment status. Each change in enrollment, volunteer, or employment status must ~~shall~~ be reported in person at the sheriff's office, or the Department of Corrections if the sexual predator is in the custody or

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control of or under the supervision of the Department of Corrections, within 48 hours after any change in status. The sheriff or the Department of Corrections shall promptly notify each institution of the sexual predator's presence and any change in the sexual predator's enrollment, volunteer, or employment status.

2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers when available.

(b) If the sexual predator is in the custody or control of, or under the supervision of, the Department of Corrections, or is in the custody of a private correctional facility, the sexual predator shall ~~must~~ register with the Department of Corrections. A sexual predator who is under the supervision of the Department of Corrections but who is not incarcerated shall ~~must~~ register with the Department of Corrections within 3 business days after the court finds the offender to be a sexual predator. The Department of Corrections shall provide to the department registration information and the location of, and local telephone number for, any Department of Corrections office that is responsible for supervising the sexual predator. In addition, the Department of Corrections shall notify the department if the sexual predator escapes or absconds from custody or supervision or if the sexual predator dies.

(c) If the sexual predator is in the custody of a local jail, the custodian of the local jail shall register the sexual predator within 3 business days after intake of the sexual predator for any reason and upon release, and shall forward the

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registration information to the department. The custodian of the local jail shall also take a digitized photograph of the sexual predator while the sexual predator remains in custody and shall provide the digitized photograph to the department. The custodian shall notify the department if the sexual predator escapes from custody or dies.

(d) If the sexual predator is under federal supervision, the federal agency responsible for supervising the sexual predator may forward to the department any information regarding the sexual predator which is consistent with the information provided by the Department of Corrections under this section, and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by the department for purposes of public notification.

(e)1. If the sexual predator is not in the custody or control of, or under the supervision of, the Department of Corrections or is not in the custody of a private correctional facility, the sexual predator shall register in person:

a. At the sheriff's office in the county where he or she establishes or maintains a residence within 48 hours after establishing or maintaining a residence in this state; and

b. At the sheriff's office in the county where he or she was designated a sexual predator by the court within 48 hours after such finding is made.

2. Any change in the sexual predator's permanent or temporary residence, name, ~~or any~~ electronic mail addresses, or Internet identifiers ~~address and any instant message name~~ required to be provided pursuant to subparagraph (g)4., after the sexual predator registers in person at the sheriff's office

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as provided in subparagraph 1., ~~must shall~~ be accomplished in the manner provided in paragraphs (g), (i), and (j). When a sexual predator registers with the sheriff's office, the sheriff shall take a photograph, ~~and~~ a set of fingerprints, and palm prints of the predator and forward the photographs, palm prints, and fingerprints to the department, along with the information that the predator is required to provide pursuant to this section.

(f) Within 48 hours after the registration required under paragraph (a) or paragraph (e), a sexual predator who is not incarcerated and who resides in the community, including a sexual predator under the supervision of the Department of Corrections, shall register in person at a driver ~~driver's~~ license office of the Department of Highway Safety and Motor Vehicles and shall present proof of registration. At the driver ~~driver's~~ license office the sexual predator shall:

1. If otherwise qualified, secure a Florida driver ~~driver's~~ license, renew a Florida driver ~~driver's~~ license, or secure an identification card. The sexual predator shall identify himself or herself as a sexual predator who is required to comply with this section, provide his or her place of permanent, temporary, or transient residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver ~~driver's~~ license, renewed license, or identification card, and for use by the department in maintaining current records of sexual predators. A post office box ~~may shall~~ not be provided in lieu of a physical residential address. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined

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in chapter 320, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver ~~driver's~~ license or identification card as required by this section. The driver ~~driver's~~ license or identification card issued to the sexual predator must comply ~~be in compliance~~ with s. 322.141(3).

3. Provide, upon request, any additional information necessary to confirm the identity of the sexual predator, including a set of fingerprints.

(g)1. Each time a sexual predator's driver ~~driver's~~ license or identification card is subject to renewal, and, without regard to the status of the predator's driver ~~driver's~~ license or identification card, within 48 hours after any change of the predator's residence or change in the predator's name by reason of marriage or other legal process, the predator shall report in person to a driver ~~driver's~~ license office and ~~is shall be~~ subject to the requirements specified in paragraph (f). The

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291 Department of Highway Safety and Motor Vehicles shall forward to  
 292 the department and to the Department of Corrections all  
 293 photographs and information provided by sexual predators.  
 294 Notwithstanding the restrictions set forth in s. 322.142, the  
 295 Department of Highway Safety and Motor Vehicles ~~may~~ is  
 296 ~~authorized to~~ release a reproduction of a color-photograph or  
 297 digital-image license to the Department of Law Enforcement for  
 298 purposes of public notification of sexual predators as provided  
 299 in this section. A sexual predator who is unable to secure or  
 300 update a driver license or identification card with the  
 301 Department of Highway Safety and Motor Vehicles as provided in  
 302 paragraph (f) and this paragraph shall also report any change of  
 303 the predator's residence or change in the predator's name by  
 304 reason of marriage or other legal process within 48 hours after  
 305 the change to the sheriff's office in the county where the  
 306 predator resides or is located and provide confirmation that he  
 307 or she reported such information to the Department of Highway  
 308 Safety and Motor Vehicles.

309 2. A sexual predator who vacates a permanent, temporary, or  
 310 transient residence and fails to establish or maintain another  
 311 permanent, temporary, or transient residence shall, within 48  
 312 hours after vacating the permanent, temporary, or transient  
 313 residence, report in person to the sheriff's office of the  
 314 county in which he or she is located. The sexual predator shall  
 315 specify the date upon which he or she intends to or did vacate  
 316 such residence. The sexual predator shall ~~must~~ provide or update  
 317 all of the registration information required under paragraph  
 318 (a). The sexual predator shall ~~must~~ provide an address for the  
 319 residence or other place that he or she is or will be located

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320 during the time in which he or she fails to establish or  
 321 maintain a permanent or temporary residence.

322 3. A sexual predator who remains at a permanent, temporary,  
 323 or transient residence after reporting his or her intent to  
 324 vacate such residence shall, within 48 hours after the date upon  
 325 which the predator indicated he or she would or did vacate such  
 326 residence, report in person to the sheriff's office to which he  
 327 or she reported pursuant to subparagraph 2. for the purpose of  
 328 reporting his or her address at such residence. When the sheriff  
 329 receives the report, the sheriff shall promptly convey the  
 330 information to the department. An offender who makes a report as  
 331 required under subparagraph 2. but fails to make a report as  
 332 required under this subparagraph commits a felony of the second  
 333 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 334 775.084.

335 4. A sexual predator shall ~~must~~ register all ~~any~~ electronic  
 336 mail addresses and Internet identifiers ~~address or instant~~  
 337 ~~message name~~ with the department before ~~prior to~~ using such  
 338 electronic mail addresses and Internet identifiers ~~address or~~  
 339 ~~instant message name on or after October 1, 2007~~. The department  
 340 shall establish an online system through which sexual predators  
 341 may securely access and update all electronic mail address and  
 342 Internet identifier ~~instant message name~~ information.

343 (h) The department shall ~~must~~ notify the sheriff and the  
 344 state attorney of the county and, if applicable, the police  
 345 chief of the municipality, where the sexual predator maintains a  
 346 residence.

347 (i) A sexual predator who intends to establish a permanent,  
 348 temporary, or transient residence in another state or

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jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction or within 21 days before his or her planned departure date if the intended residence of 5 days or more is outside of the United States. The sexual predator shall ~~must~~ provide to the sheriff the address, municipality, county, ~~and~~ state, and country of intended residence. The sheriff shall promptly provide to the department the information received from the sexual predator. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state, ~~or~~ jurisdiction, or country of residence of the sexual predator's intended residence. The failure of a sexual predator to provide his or her intended place of residence is punishable as provided in subsection (10).

(j) A sexual predator who indicates his or her intent to establish a permanent, temporary, or transient residence in another state, a ~~or~~ jurisdiction other than the State of Florida, or another country and later decides to remain in this state shall, within 48 hours after the date upon which the sexual predator indicated he or she would leave this state, report in person to the sheriff to which the sexual predator reported the intended change of residence, and report his or her intent to remain in this state. If the sheriff is notified by the sexual predator that he or she intends to remain in this state, the sheriff shall promptly report this information to the department. A sexual predator who reports his or her intent to establish a permanent, temporary, or transient residence in

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another state, a ~~or~~ jurisdiction other than the State of Florida, or another country, but who remains in this state without reporting to the sheriff in the manner required by this paragraph, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(k)1. The department is responsible for the online maintenance of current information regarding each registered sexual predator. The department shall ~~must~~ maintain hotline access for state, local, and federal law enforcement agencies to obtain instantaneous locator file and offender characteristics information on all released registered sexual predators for purposes of monitoring, tracking, and prosecution. The photograph and fingerprints do not have to be stored in a computerized format.

2. The department's sexual predator registration list, containing the information described in subparagraph (a)1., is a public record. The department may ~~is authorized to~~ disseminate this public information by any means deemed appropriate, including operating a toll-free telephone number for this purpose. When the department provides information regarding a registered sexual predator to the public, department personnel shall ~~must~~ advise the person making the inquiry that positive identification of a person believed to be a sexual predator cannot be established unless a fingerprint comparison is made, and that it is illegal to use public information regarding a registered sexual predator to facilitate the commission of a crime.

3. The department shall adopt guidelines as necessary regarding the registration of sexual predators and the

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dissemination of information regarding sexual predators as required by this section.

(1) A sexual predator ~~shall must~~ maintain registration with the department for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that met the criteria for the sexual predator designation.

(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. The Department of Corrections shall verify the addresses of sexual predators who are not incarcerated but who reside in the community under the supervision of the Department of Corrections and shall report to the department any failure by a sexual predator to comply with registration requirements. County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators who are not under the care, custody, control, or supervision of the Department of Corrections. Local law enforcement agencies shall report to the department any failure by a sexual predator to comply with registration requirements.

(a) A sexual predator ~~shall must~~ report in person each year during the month of the sexual predator's birthday and during every third month thereafter to the sheriff's office in the

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county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual predator, which must ~~shall~~ be consistent with the reporting requirements of this paragraph. Reregistration must ~~shall~~ include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; all ~~any~~ electronic mail addresses or Internet identifiers ~~address and any instant message name~~ required to be provided pursuant to subparagraph (6)(g)4.; all home telephone numbers or ~~number and any~~ cellular telephone numbers ~~number~~; date and place of any employment; the ~~vehicle~~ make, model, color, registration number, and license tag number of all vehicles that are owned by the sexual predator and all vehicles that are owned by a person who resides at the sexual predator's residence and that may be operated by the sexual predator; fingerprints; palm prints; and photograph. A post office box may ~~shall~~ not be provided in lieu of a physical residential address. The sexual predator shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual predator shall also

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465 provide information about any professional licenses he or she  
 466 has.

467 2. If the sexual predator is enrolled, employed,  
 468 volunteering, or carrying on a vocation at an institution of  
 469 higher education in this state, the sexual predator shall also  
 470 provide to the department the name, address, and county of each  
 471 institution, including each campus attended, and the sexual  
 472 predator's enrollment, volunteer, or employment status.

473 3. If the sexual predator's place of residence is a motor  
 474 vehicle, trailer, mobile home, or manufactured home, as defined  
 475 in chapter 320, the sexual predator shall also provide the  
 476 vehicle identification number; the license tag number; the  
 477 registration number; and a description, including color scheme,  
 478 of the motor vehicle, trailer, mobile home, or manufactured  
 479 home. If the sexual predator's place of residence is a vessel,  
 480 live-aboard vessel, or houseboat, as defined in chapter 327, the  
 481 sexual predator shall also provide the hull identification  
 482 number; the manufacturer's serial number; the name of the  
 483 vessel, live-aboard vessel, or houseboat; the registration  
 484 number; and a description, including color scheme, of the  
 485 vessel, live-aboard vessel, or houseboat.

486 (b) The sheriff's office shall, within 2 working days,  
 487 electronically submit and update all information provided by the  
 488 sexual predator to the department in a manner prescribed by the  
 489 department.

490 (10) PENALTIES.—

491 (a) Except as otherwise specifically provided, a sexual  
 492 predator who fails to register; who fails, after registration,  
 493 to maintain, acquire, or renew a driver ~~driver's~~ license or

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494 identification card; who fails to provide required location  
 495 information, electronic mail address information before use,  
 496 Internet identifier ~~instant message name~~ information before use,  
 497 all home telephone ~~numbers~~ number and ~~any~~ cellular telephone  
 498 ~~numbers~~ number, or change-of-name information; who fails to make  
 499 a required report in connection with vacating a permanent  
 500 residence; who fails to reregister as required; who fails to  
 501 respond to any address verification correspondence from the  
 502 department within 3 weeks of the date of the correspondence; who  
 503 knowingly provides false registration information by act or  
 504 omission; or who otherwise fails, by act or omission, to comply  
 505 with the requirements of this section; commits a felony of the  
 506 third degree, punishable as provided in s. 775.082, s. 775.083,  
 507 or s. 775.084.

508 Section 2. Paragraphs (a) and (g) of subsection (1),  
 509 subsection (2), paragraphs (a) and (d) of subsection (4),  
 510 subsections (7), (8), and (11), and paragraph (c) of subsection  
 511 (14) of section 943.0435, Florida Statutes, are amended to read:  
 512 943.0435 Sexual offenders required to register with the  
 513 department; penalty.—

514 (1) As used in this section, the term:

515 (a)1. "Sexual offender" means a person who meets the  
 516 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
 517 subparagraph c., or sub-subparagraph d., as follows:

518 a.(I) Has been convicted of committing, or attempting,  
 519 soliciting, or conspiring to commit, any of the criminal  
 520 offenses proscribed in the following statutes in this state or  
 521 similar offenses in another jurisdiction: s. 393.135(2); s.  
 522 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where

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the victim is a minor and the defendant is not the victim's parent or guardian; s. 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I). For purposes of sub-sub-subparagraph (I), a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;

c. Establishes or maintains a residence in this state who

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is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(b) where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals; or

(IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals.

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581 2. For all qualifying offenses listed in sub-subparagraph  
 582 (1)(a)1.d., the court shall make a written finding of the age of  
 583 the offender at the time of the offense.

584  
 585 For each violation of a qualifying offense listed in this  
 586 subsection, except for a violation of s. 794.011, the court  
 587 shall make a written finding of the age of the victim at the  
 588 time of the offense. For a violation of s. 800.04(4), the court  
 589 shall also additionally make a written finding indicating  
 590 whether ~~that~~ the offense involved ~~did or did not involve~~ sexual  
 591 activity and indicating whether ~~that~~ the offense involved ~~did or~~  
 592 ~~did not involve~~ force or coercion. For a violation of s.  
 593 800.04(5), the court shall also additionally make a written  
 594 finding that the offense did or did not involve unclothed  
 595 genitals or genital area and that the offense did or did not  
 596 involve the use of force or coercion.

597 (g) "Internet identifier ~~Instant message name~~" has the same  
 598 meaning as provided in s. 775.21 ~~means an identifier that allows~~  
 599 ~~a person to communicate in real time with another person using~~  
 600 ~~the Internet.~~

601 (2) A sexual offender shall:

602 (a) Report in person at the sheriff's office:

603 1. In the county in which the offender establishes or  
 604 maintains a permanent, temporary, or transient residence within  
 605 48 hours after:

606 a. Establishing permanent, temporary, or transient  
 607 residence in this state; or

608 b. Being released from the custody, control, or supervision  
 609 of the Department of Corrections or from the custody of a

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610 private correctional facility; or

611 2. In the county where he or she was convicted within 48  
 612 hours after being convicted for a qualifying offense for  
 613 registration under this section if the offender is not in the  
 614 custody or control of, or under the supervision of, the  
 615 Department of Corrections, or is not in the custody of a private  
 616 correctional facility.

617  
 618 Any change in the information required to be provided pursuant  
 619 to paragraph (b), including, but not limited to, any change in  
 620 the sexual offender's permanent, temporary, or transient  
 621 residence, name, ~~any~~ electronic mail addresses, or Internet  
 622 identifiers ~~address and any instant message name~~ required to be  
 623 provided pursuant to paragraph (4)(d), after the sexual offender  
 624 reports in person at the sheriff's office, must ~~shall~~ be  
 625 accomplished in the manner provided in subsections (4), (7), and  
 626 (8).

627 (b) Provide his or her name; date of birth; social security  
 628 number; race; sex; height; weight; hair and eye color; tattoos  
 629 or other identifying marks; fingerprints; palm prints;  
 630 photograph; occupation and place of employment; address of  
 631 permanent or legal residence or address of any current temporary  
 632 residence, within the state or out of state, including a rural  
 633 route address and a post office box; if no permanent or  
 634 temporary address, any transient residence within the state,  
 635 address, location or description, and dates of any current or  
 636 known future temporary residence within the state or out of  
 637 state; the make, model, color, registration number, and license  
 638 tag number of all vehicles that are owned by the sexual offender

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and all vehicles that are owned by a person who resides at the sexual offender's residence and that may be operated by the sexual offender; all home telephone numbers ~~number~~ and any cellular telephone numbers ~~number~~; all ~~any~~ electronic mail addresses ~~address~~ and all Internet identifiers ~~any instant message name~~ required to be provided pursuant to paragraph (4) (d); date and place of each conviction; and a brief description of the crime or crimes committed by the offender. A post office box may ~~shall~~ not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has.

1. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide to the department through the sheriff's office written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

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2. If the sexual offender is enrolled, employed, volunteering, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department through the sheriff's office the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status. Each change in enrollment, volunteer, or employment status must ~~shall~~ be reported in person at the sheriff's office, within 48 hours after any change in status. The sheriff shall promptly notify each institution of the sexual offender's presence and any change in the sexual offender's enrollment, volunteer, or employment status.

(c) Provide any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers, when available.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph, ~~and~~ a set of fingerprints, and palm prints of the offender and forward the photographs, palm prints, and fingerprints to the department, along with the information provided by the sexual offender. The sheriff shall promptly provide to the department the information received from the sexual offender.

(4) (a) Each time a sexual offender's driver ~~driver's~~ license or identification card is subject to renewal, and, without regard to the status of the offender's driver ~~driver's~~ license or identification card, within 48 hours after any change in the offender's permanent, temporary, or transient residence

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697 or change in the offender's name by reason of marriage or other  
 698 legal process, the offender shall report in person to a driver  
 699 ~~driver's~~ license office, and ~~is shall be~~ subject to the  
 700 requirements specified in subsection (3). The Department of  
 701 Highway Safety and Motor Vehicles shall forward to the  
 702 department all photographs and information provided by sexual  
 703 offenders. Notwithstanding the restrictions set forth in s.  
 704 322.142, the Department of Highway Safety and Motor Vehicles may  
 705 ~~is authorized to~~ release a reproduction of a color-photograph or  
 706 digital-image license to the Department of Law Enforcement for  
 707 purposes of public notification of sexual offenders as provided  
 708 in this section and ss. 943.043 and 944.606. A sexual offender  
 709 who is unable to secure or update a driver license or  
 710 identification card with the Department of Highway Safety and  
 711 Motor Vehicles as provided in subsection (3) and this subsection  
 712 shall also report any change in the sexual offender's permanent,  
 713 temporary, or transient residence or change in the offender's  
 714 name by reason of marriage or other legal process within 48  
 715 hours after the change to the sheriff's office in the county  
 716 where the offender resides or is located and provide  
 717 confirmation that he or she reported such information to the  
 718 Department of Highway Safety and Motor Vehicles.

719 (d) A sexual offender ~~shall must~~ register all any  
 720 electronic mail addresses and Internet identifiers ~~address or~~  
 721 ~~instant message name~~ with the department before using such  
 722 electronic mail addresses and Internet identifiers ~~address or~~  
 723 ~~instant message name~~. The department shall establish an online  
 724 system through which sexual offenders may securely access and  
 725 update all electronic mail address and Internet identifier

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726 ~~instant message name~~ information.

727 (7) A sexual offender who intends to establish a permanent,  
 728 temporary, or transient residence in another state or  
 729 jurisdiction other than the State of Florida shall report in  
 730 person to the sheriff of the county of current residence within  
 731 48 hours before the date he or she intends to leave this state  
 732 to establish residence in another state or jurisdiction or  
 733 within 21 days before his or her planned departure date if the  
 734 intended residence of 5 days or more is outside of the United  
 735 States. The notification must include the address, municipality,  
 736 county, ~~and~~ state, and country of intended residence. The  
 737 sheriff shall promptly provide to the department the information  
 738 received from the sexual offender. The department shall notify  
 739 the statewide law enforcement agency, or a comparable agency, in  
 740 the intended state, ~~or~~ jurisdiction, or country of residence of  
 741 the sexual offender's intended residence. The failure of a  
 742 sexual offender to provide his or her intended place of  
 743 residence is punishable as provided in subsection (9).

744 (8) A sexual offender who indicates his or her intent to  
 745 establish a permanent, temporary, or transient residence in  
 746 another state, ~~a or~~ jurisdiction other than the State of  
 747 Florida, or another country and later decides to remain in this  
 748 state shall, within 48 hours after the date upon which the  
 749 sexual offender indicated he or she would leave this state,  
 750 report in person to the sheriff to which the sexual offender  
 751 reported the intended change of permanent, temporary, or  
 752 transient residence, and report his or her intent to remain in  
 753 this state. The sheriff shall promptly report this information  
 754 to the department. A sexual offender who reports his or her

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intent to establish a permanent, temporary, or transient residence in another state, ~~a ex~~ jurisdiction other than the State of Florida, or another country but who remains in this state without reporting to the sheriff in the manner required by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(11) Except as provided in this subsection and s. 943.04354, a sexual offender ~~shall must~~ maintain registration with the department for the duration of his or her life, unless the sexual offender has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that meets the criteria for classifying the person as a sexual offender for purposes of registration. ~~However, a sexual offender.~~

(a)1. A sexual offender may petition the criminal division of the circuit court of the circuit in which the sexual offender resides for the purpose of removing the requirement for registration as a sexual offender if ~~Who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and has not been arrested for any felony or misdemeanor offense since release, provided that the sexual offender's requirement to register was not based upon an adult conviction:~~

a. Twenty-five years have elapsed since the beginning of the registration period for the sexual offender's most recent conviction that required the offender to register;

b. The sexual offender has not been convicted or adjudicated delinquent of a felony offense or of an offense punishable by more than 1 year of imprisonment during the 25

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years preceding the petition to the court;

c. The sexual offender has successfully completed all sanctions imposed for all offenses that required the offender to register;

d. The sexual offender's requirement to register was not based upon an adult conviction for:

(I) A violation of s. 787.01; s. 794.011, excluding s. 794.011(10); s. 800.04(4)(b) if the court finds the offense involved a victim younger than 12 years of age or a sexual activity by the use of force or coercion; s. 800.04(5)(b); or s. 800.04(5)(c)2. if the court finds the offense involved unclothed genitals or genital area;

(II) An attempt or conspiracy to commit any offense listed in this sub-subparagraph; or

(III) A violation of similar law of another jurisdiction; and

e. For sexual offenders whose requirement to register is based upon a conviction in another state, the sexual offender is not required to register as a sexual offender pursuant to the laws of the state in which the conviction occurred. Such an offender must provide the court written confirmation that he or she is not required to register in the state in which the conviction occurred.

~~a. For a violation of s. 787.01 or s. 787.02;~~

~~b. For a violation of s. 794.011, excluding s. 794.011(10);~~

~~c. For a violation of s. 800.04(4)(b) where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;~~

~~d. For a violation of s. 800.04(5)(b);~~



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813 ~~e. For a violation of s. 800.04(5)e.2. where the court~~  
 814 ~~finds the offense involved unclothed genitals or genital area,~~  
 815 ~~f. For any attempt or conspiracy to commit any such~~  
 816 ~~offense; or~~  
 817 ~~g. For a violation of similar law of another jurisdiction,~~  
 818  
 819 ~~may petition the criminal division of the circuit court of the~~  
 820 ~~circuit in which the sexual offender resides for the purpose of~~  
 821 ~~removing the requirement for registration as a sexual offender.~~  
 822 2. A sexual offender whose requirement to register was  
 823 based upon an adult conviction for a violation of s. 787.02 or  
 824 s. 827.071(5), for an attempt or conspiracy to commit any  
 825 offense listed in this subparagraph, or for a violation of  
 826 similar law of another jurisdiction may petition the criminal  
 827 division of the circuit court of the circuit in which the sexual  
 828 offender resides for the purpose of removing the requirement for  
 829 registration as a sexual offender if:  
 830 a. Fifteen years have elapsed since the beginning of the  
 831 registration period for the sexual offender's most recent  
 832 conviction that required the offender to register;  
 833 b. The sexual offender has not been convicted or  
 834 adjudicated delinquent of a felony offense or of an offense  
 835 punishable by more than 1 year of imprisonment during the 10  
 836 years preceding the petition to the court;  
 837 c. The sexual offender has successfully completed all  
 838 sanctions imposed for all offenses that required the offender to  
 839 register; and  
 840 d. For sexual offenders whose requirement to register is  
 841 based upon a conviction in another state, the sexual offender is

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842 not required to register as a sexual offender pursuant to the  
 843 laws of the state in which the conviction occurred. Such an  
 844 offender must provide the court written confirmation that he or  
 845 she is not required to register in the state in which the  
 846 conviction occurred.  
 847 3. A sexual offender required to register under sub-  
 848 subparagraph (1)(a)1.d. may petition the criminal division of  
 849 the circuit court of the circuit in which the sexual offender  
 850 resides for the purpose of removing the requirement for  
 851 registration as a sexual offender if:  
 852 a. Twenty-five years have elapsed since the beginning of  
 853 the registration period for the sexual offender's most recent  
 854 conviction that required the offender to register;  
 855 b. The sexual offender has not been convicted or  
 856 adjudicated delinquent of any felony offense or of an offense  
 857 punishable by more than 1 year of imprisonment during the 25  
 858 years preceding the petition to the court; and  
 859 c. The sexual offender has successfully completed all  
 860 sanctions imposed for all offenses that required the offender to  
 861 register.  
 862 4.2. The court may grant or deny relief if the offender  
 863 demonstrates to the court that he or she has not been arrested  
 864 for any crime since release, the requested relief complies with  
 865 this paragraph, the provisions of the federal Adam Walsh Child  
 866 Protection and Safety Act of 2006, and any other federal  
 867 standards applicable to the removal of registration requirements  
 868 for a sexual offender or required to be met as a condition for  
 869 the receipt of federal funds by the state; and the court is  
 870 otherwise satisfied that the offender is not a current or

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871 potential threat to public safety. The state attorney in the  
 872 circuit in which the petition is filed and the department must  
 873 be given notice of the petition at least 3 weeks before the  
 874 hearing on the matter. The state attorney may present evidence  
 875 in opposition to the requested relief or may otherwise  
 876 demonstrate the reasons why the petition should be denied. If  
 877 the court grants the petition, the court shall instruct the  
 878 petitioner to provide the department with a certified copy of  
 879 the order granting relief. If the court denies the petition, the  
 880 court may set a future date at which the sexual offender may  
 881 again petition the court for relief, subject to the standards  
 882 for relief provided in this subsection.

883 5.3- The department shall remove an offender from  
 884 classification as a sexual offender for purposes of registration  
 885 if the offender provides to the department a certified copy of  
 886 the court's written findings or order that indicates that the  
 887 offender is no longer required to comply with the requirements  
 888 for registration as a sexual offender.

889 6. For purposes of this paragraph:

890 a. The registration period of a sexual offender sentenced  
 891 to a term of incarceration or committed to a residential program  
 892 begins upon the offender's release from incarceration or  
 893 commitment for the most recent conviction that required the  
 894 offender to register.

895 b. A sexual offender's registration period is tolled during  
 896 any period in which the offender is incarcerated, civilly  
 897 committed, detained pursuant to chapter 985, or committed to a  
 898 residential program.

899 (b) A sexual offender as defined in sub-subparagraph

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900 (1) (a) 1.b. must maintain registration with the department for  
 901 the duration of his or her life until the person provides the  
 902 department with an order issued by the court that designated the  
 903 person as a sexual predator, as a sexually violent predator, or  
 904 by another sexual offender designation in the state or  
 905 jurisdiction in which the order was issued which states that  
 906 such designation has been removed or demonstrates to the  
 907 department that such designation, if not imposed by a court, has  
 908 been removed by operation of law or court order in the state or  
 909 jurisdiction in which the designation was made, and provided  
 910 such person no longer meets the criteria for registration as a  
 911 sexual offender under the laws of this state.

912 (14)

913 (c) The sheriff's office may determine the appropriate  
 914 times and days for reporting by the sexual offender, which must  
 915 ~~shall~~ be consistent with the reporting requirements of this  
 916 subsection. Reregistration must ~~shall~~ include any changes to the  
 917 following information:

918 1. Name; social security number; age; race; sex; date of  
 919 birth; height; weight; hair and eye color; address of any  
 920 permanent residence and address of any current temporary  
 921 residence, within the state or out of state, including a rural  
 922 route address and a post office box; if no permanent or  
 923 temporary address, any transient residence within the state;  
 924 address, location or description, and dates of any current or  
 925 known future temporary residence within the state or out of  
 926 state; all any electronic mail addresses or Internet identifiers  
 927 ~~address and any instant message name~~ required to be provided  
 928 pursuant to paragraph (4) (d); all home telephone numbers and

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929 ~~number and any~~ cellular telephone numbers ~~number~~; date and place  
 930 of any employment; the vehicle make, model, color, registration  
 931 number, and license tag number of all vehicles that are owned by  
 932 the sexual offender and all vehicles that are owned by a person  
 933 who resides at the sexual offender's residence and that may be  
 934 operated by the sexual offender; fingerprints; palm prints; and  
 935 photograph. A post office box ~~may shall~~ not be provided in lieu  
 936 of a physical residential address. The sexual offender shall  
 937 also produce his or her passport, if he or she has a passport,  
 938 and, if he or she is an alien, shall produce or provide  
 939 information about documents establishing his or her immigration  
 940 status. The sexual offender shall also provide information about  
 941 any professional licenses he or she has.

942 2. If the sexual offender is enrolled, volunteering,  
 943 employed, or carrying on a vocation at an institution of higher  
 944 education in this state, the sexual offender shall also provide  
 945 to the department the name, address, and county of each  
 946 institution, including each campus attended, and the sexual  
 947 offender's enrollment, volunteer, or employment status.

948 3. If the sexual offender's place of residence is a motor  
 949 vehicle, trailer, mobile home, or manufactured home, as defined  
 950 in chapter 320, the sexual offender shall also provide the  
 951 vehicle identification number; the license tag number; the  
 952 registration number; and a description, including color scheme,  
 953 of the motor vehicle, trailer, mobile home, or manufactured  
 954 home. If the sexual offender's place of residence is a vessel,  
 955 live-aboard vessel, or houseboat, as defined in chapter 327, the  
 956 sexual offender shall also provide the hull identification  
 957 number; the manufacturer's serial number; the name of the

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958 vessel, live-aboard vessel, or houseboat; the registration  
 959 number; and a description, including color scheme, of the  
 960 vessel, live-aboard vessel or houseboat.

961 4. Any sexual offender who fails to report in person as  
 962 required at the sheriff's office, ~~or~~ who fails to respond to any  
 963 address verification correspondence from the department within 3  
 964 weeks of the date of the correspondence, ~~or~~ who fails to report  
 965 all electronic mail addresses and all Internet identifiers prior  
 966 to use or instant message names, or who knowingly provides false  
 967 registration information by act or omission commits a felony of  
 968 the third degree, punishable as provided in s. 775.082, s.  
 969 775.083, or s. 775.084.

970 Section 3. Section 943.04354, Florida Statutes, is amended  
 971 to read:

972 943.04354 Removal of the requirement to register as a  
 973 sexual offender or sexual predator in special circumstances.—

974 (1) For purposes of this section, a person shall be  
 975 considered for removal of the requirement to register as a  
 976 sexual offender or sexual predator only if the person:

977 (a) Was ~~or will be~~ convicted, regardless of adjudication,  
 978 or adjudicated delinquent of a violation of s. 794.011, s.  
 979 800.04, s. 827.071, or s. 847.0135(5) or of a similar offense in  
 980 another jurisdiction or the person committed a violation of s.  
 981 794.011, s. 800.04, s. 827.071, or s. 847.0135(5) for which  
 982 adjudication of guilt was or will be withheld, and if the person  
 983 does not have any other conviction, regardless of adjudication,  
 984 or adjudication of delinquency, or withhold of adjudication of  
 985 guilt for a violation of s. 794.011, s. 800.04, s. 827.071, or  
 986 s. 847.0135(5) or for a similar offense in another jurisdiction;

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987 (b)1. Was convicted, regardless of adjudication, or  
 988 adjudicated delinquent of an offense listed in paragraph (a) and  
 989 is required to register as a sexual offender or sexual predator  
 990 solely on the basis of this conviction or adjudication; or  
 991 ~~violation; and~~

992 2. Was convicted, regardless of adjudication, or  
 993 adjudicated delinquent of an offense in another jurisdiction  
 994 which is similar to an offense listed in paragraph (a) and no  
 995 longer meets the criteria for registration as a sexual offender  
 996 or sexual predator under the laws of the jurisdiction in which  
 997 the similar offense occurred; and

998 (c) Is not more than 4 years older than the victim of this  
 999 violation who was 13 ~~14~~ years of age or older but younger not  
 1000 ~~more than 18~~ ~~17~~ years of age at the time the person committed  
 1001 this violation.

1002 (2) If a person meets the criteria in subsection (1) ~~and~~  
 1003 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~  
 1004 ~~847.0135(5) was committed on or after July 1, 2007,~~ the person  
 1005 may move the criminal court of the circuit in which the offense  
 1006 occurred or the sentencing court or, for persons convicted or  
 1007 adjudicated delinquent of a qualifying offense in another  
 1008 jurisdiction, the criminal court of the circuit in which the  
 1009 person resides that will sentence or dispose of this violation  
 1010 to remove the requirement that the person register as a sexual  
 1011 offender or sexual predator. The person must allege in the  
 1012 motion that he or she meets the criteria in subsection (1) and  
 1013 that removal of the registration requirement will not conflict  
 1014 with federal law. A person convicted or adjudicated delinquent  
 1015 of an offense in another jurisdiction which is similar to an

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1016 offense listed in paragraph (1) (a) must provide the court  
 1017 written confirmation that he or she is not required to register  
 1018 in the jurisdiction in which the conviction or adjudication  
 1019 occurred. The state attorney and the department must be given  
 1020 notice of the motion at least 21 days before the date of  
 1021 sentencing, or disposition of the this violation, or hearing on  
 1022 the motion and may present evidence in opposition to the  
 1023 requested relief or may otherwise demonstrate why the motion  
 1024 should be denied. At sentencing, or disposition of the this  
 1025 violation, or hearing on the motion, the court shall rule on the  
 1026 this motion, and, if the court determines the person meets the  
 1027 criteria in subsection (1) and the removal of the registration  
 1028 requirement will not conflict with federal law, it may grant the  
 1029 motion and order the removal of the registration requirement.  
 1030 The court shall instruct the person to provide the department a  
 1031 certified copy of the order granting relief. If the court denies  
 1032 the motion, the person is not authorized under this section to  
 1033 file another motion petition for removal of the registration  
 1034 requirement.

1035 ~~(3) (a) This subsection applies to a person who:~~

1036 ~~1. Is not a person described in subsection (2) because the~~  
 1037 ~~violation of s. 794.011, s. 800.04, or s. 827.071 was not~~  
 1038 ~~committed on or after July 1, 2007;~~

1039 ~~2. Is subject to registration as a sexual offender or~~  
 1040 ~~sexual predator for a violation of s. 794.011, s. 800.04, or s.~~  
 1041 ~~827.071; and~~

1042 ~~3. Meets the criteria in subsection (1).~~

1043 ~~(b) A person may petition the court in which the sentence~~  
 1044 ~~or disposition for the violation of s. 794.011, s. 800.04, or s.~~

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~~827.071 occurred for removal of the requirement to register as a sexual offender or sexual predator. The person must allege in the petition that he or she meets the criteria in subsection (1) and removal of the registration requirement will not conflict with federal law. The state attorney must be given notice of the petition at least 21 days before the hearing on the petition and may present evidence in opposition to the requested relief or may otherwise demonstrate why the petition should be denied. The court shall rule on the petition and, if the court determines the person meets the criteria in subsection (1) and removal of the registration requirement will not conflict with federal law, it may grant the petition and order the removal of the registration requirement. If the court denies the petition, the person is not authorized under this section to file any further petition for removal of the registration requirement.~~

(3)(4) If a person provides to the Department of Law Enforcement a certified copy of the court's order removing the requirement that the person register as a sexual offender or sexual predator for the violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0135(5), or a similar offense in another jurisdiction, the registration requirement will not apply to the person and the department shall remove all information about the person from the public registry of sexual offenders and sexual predators maintained by the department. However, the removal of this information from the public registry does not mean that the public is denied access to information about the person's criminal history or record that is otherwise available as a public record.

Section 4. Subsections (2) and (3) of section 943.0437,

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Florida Statutes, are amended to read:

943.0437 Commercial social networking websites.—

(2) The department may provide information relating to electronic mail addresses and Internet identifiers ~~instant message names~~ maintained as part of the sexual offender registry to commercial social networking websites or third parties designated by commercial social networking websites. The commercial social networking website may use this information for the purpose of comparing registered users and screening potential users of the commercial social networking website against the list of electronic mail addresses and Internet identifiers ~~instant message names~~ provided by the department.

(3) This section does not ~~shall not be construed to~~ impose any civil liability on a commercial social networking website for:

(a) Any action voluntarily taken in good faith to remove or disable any profile of a registered user associated with an electronic mail address or Internet identifier ~~instant message name~~ contained in the sexual offender registry.

(b) Any action taken to restrict access by such registered user to the commercial social networking website.

Section 5. Paragraphs (b) and (d) of subsection (1) and paragraph (a) of subsection (3) of section 944.606, Florida Statutes, are amended to read:

944.606 Sexual offenders; notification upon release.—

(1) As used in this section:

(b) "Sexual offender" means a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following

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1103 statutes in this state or similar offenses in another  
 1104 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
 1105 787.02, or s. 787.025(2)(c), where the victim is a minor and the  
 1106 defendant is not the victim's parent or guardian; s.  
 1107 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
 1108 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
 1109 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
 1110 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
 1111 s. 916.1075(2); or s. 985.701(1); or any similar offense  
 1112 committed in this state which has been redesignated from a  
 1113 former statute number to one of those listed in this subsection,  
 1114 when the department has received verified information regarding  
 1115 such conviction; an offender's computerized criminal history  
 1116 record is not, in and of itself, verified information.

1117 (d) "Internet identifier" has the same meaning as provided  
 1118 in s. 775.21 "Instant message name" means an identifier that  
 1119 allows a person to communicate in real time with another person  
 1120 using the Internet.

1121 (3)(a) The department shall ~~must~~ provide information  
 1122 regarding any sexual offender who is being released after  
 1123 serving a period of incarceration for any offense, as follows:

1124 1. The department shall ~~must~~ provide: the sexual offender's  
 1125 name, any change in the offender's name by reason of marriage or  
 1126 other legal process, and any alias, if known; the correctional  
 1127 facility from which the sexual offender is released; the sexual  
 1128 offender's social security number, race, sex, date of birth,  
 1129 height, weight, and hair and eye color; address of any planned  
 1130 permanent residence or temporary residence, within the state or  
 1131 out of state, including a rural route address and a post office

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1132 box; if no permanent or temporary address, any transient  
 1133 residence within the state; address, location or description,  
 1134 and dates of any known future temporary residence within the  
 1135 state or out of state; date and county of sentence and each  
 1136 crime for which the offender was sentenced; a copy of the  
 1137 offender's fingerprints, palm prints, and a digitized photograph  
 1138 taken within 60 days before release; the date of release of the  
 1139 sexual offender; all ~~any~~ electronic mail addresses ~~address~~ and  
 1140 all Internet identifiers ~~any instant message name~~ required to be  
 1141 provided pursuant to s. 943.0435(4)(d); all ~~and~~ home telephone  
 1142 numbers ~~number~~ and ~~any~~ cellular telephone numbers; information  
 1143 about any professional licenses the offender has, if known; and  
 1144 passport information, if he or she has a passport, and, if he or  
 1145 she is an alien, information about documents establishing his or  
 1146 her immigration status ~~number~~. The department shall notify the  
 1147 Department of Law Enforcement if the sexual offender escapes,  
 1148 absconds, or dies. If the sexual offender is in the custody of a  
 1149 private correctional facility, the facility shall take the  
 1150 digitized photograph of the sexual offender within 60 days  
 1151 before the sexual offender's release and provide this photograph  
 1152 to the Department of Corrections and also place it in the sexual  
 1153 offender's file. If the sexual offender is in the custody of a  
 1154 local jail, the custodian of the local jail shall register the  
 1155 offender within 3 business days after intake of the offender for  
 1156 any reason and upon release, and shall notify the Department of  
 1157 Law Enforcement of the sexual offender's release and provide to  
 1158 the Department of Law Enforcement the information specified in  
 1159 this paragraph and any information specified in subparagraph 2.  
 1160 that the Department of Law Enforcement requests.

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2. The department may provide any other information deemed necessary, including criminal and corrections records, nonprivileged personnel and treatment records, when available.

Section 6. Paragraphs (a) and (f) of subsection (1), subsection (4), and paragraph (c) of subsection (13) of section 944.607, Florida Statutes, are amended to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

(1) As used in this section, the term:

(a) "Sexual offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody of a private correctional facility:

1. On or after October 1, 1997, as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s.

787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph; or

2. Who establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court

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of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard as to whether the person otherwise meets the criteria for registration as a sexual offender.

(f) "Internet identifier" has the same meaning as provided in s. 775.21 ~~"Instant message name" means an identifier that allows a person to communicate in real time with another person using the Internet.~~

(4) A sexual offender, as described in this section, who is under the supervision of the Department of Corrections but is not incarcerated shall ~~must~~ register with the Department of Corrections within 3 business days after sentencing for a registrable offense and otherwise provide information as required by this subsection.

(a) The sexual offender shall provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; all ~~any~~ electronic mail addresses ~~address~~ and Internet identifiers ~~any instant message name~~ required to be provided pursuant to s. 943.0435(4)(d); all home telephone numbers and cellular telephone numbers; the make, model, color, registration number, and license tag number of all vehicles that are owned by the sexual offender and all vehicles that are owned by a person who resides at the sexual offender's residence and that may be operated by the sexual offender; permanent or legal residence

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1219 and address of temporary residence within the state or out of  
 1220 state while the sexual offender is under supervision in this  
 1221 state, including any rural route address or post office box; if  
 1222 no permanent or temporary address, any transient residence  
 1223 within the state; and address, location or description, and  
 1224 dates of any current or known future temporary residence within  
 1225 the state or out of state. The sexual offender shall also  
 1226 produce his or her passport, if he or she has a passport, and,  
 1227 if he or she is an alien, shall produce or provide information  
 1228 about documents establishing his or her immigration status. The  
 1229 sexual offender shall also provide information about any  
 1230 professional licenses he or she has. The Department of  
 1231 Corrections shall verify the address of each sexual offender in  
 1232 the manner described in ss. 775.21 and 943.0435. The department  
 1233 shall report to the Department of Law Enforcement any failure by  
 1234 a sexual predator or sexual offender to comply with registration  
 1235 requirements.

1236 (b) If the sexual offender is enrolled, employed,  
 1237 volunteering, or carrying on a vocation at an institution of  
 1238 higher education in this state, the sexual offender shall  
 1239 provide the name, address, and county of each institution,  
 1240 including each campus attended, and the sexual offender's  
 1241 enrollment, volunteer, or employment status. Each change in  
 1242 enrollment, volunteer, or employment status ~~must shall~~ be  
 1243 reported to the department within 48 hours after the change in  
 1244 status. The Department of Corrections shall promptly notify each  
 1245 institution of the sexual offender's presence and any change in  
 1246 the sexual offender's enrollment, volunteer, or employment  
 1247 status.

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1248 (13)  
 1249 (c) The sheriff's office may determine the appropriate  
 1250 times and days for reporting by the sexual offender, which must  
 1251 ~~shall~~ be consistent with the reporting requirements of this  
 1252 subsection. Reregistration must shall include any changes to the  
 1253 following information:  
 1254 1. Name; social security number; age; race; sex; date of  
 1255 birth; height; weight; hair and eye color; address of any  
 1256 permanent residence and address of any current temporary  
 1257 residence, within the state or out of state, including a rural  
 1258 route address and a post office box; if no permanent or  
 1259 temporary address, any transient residence; address, location or  
 1260 description, and dates of any current or known future temporary  
 1261 residence within the state or out of state; all any electronic  
 1262 mail addresses and Internet identifiers ~~address and any instant~~  
 1263 ~~message name~~ required to be provided pursuant to s.  
 1264 943.0435(4)(d); all home telephone numbers and cellular  
 1265 telephone numbers; date and place of any employment; the vehicle  
 1266 make, model, color, registration number, and license tag number  
 1267 of all vehicles that are owned by the sexual offender and all  
 1268 vehicles that are owned by a person who resides at the sexual  
 1269 offender's residence and that may be operated by the sexual  
 1270 offender; fingerprints; palm prints; and photograph. A post  
 1271 office box ~~may shall~~ not be provided in lieu of a physical  
 1272 residential address. The sexual offender shall also produce his  
 1273 or her passport, if he or she has a passport, and, if he or she  
 1274 is an alien, shall produce or provide information about  
 1275 documents establishing his or her immigration status. The sexual  
 1276 offender shall also provide information about any professional

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1277 licenses he or she has.

1278 2. If the sexual offender is enrolled, employed,  
1279 volunteering, or carrying on a vocation at an institution of  
1280 higher education in this state, the sexual offender shall also  
1281 provide to the department the name, address, and county of each  
1282 institution, including each campus attended, and the sexual  
1283 offender's enrollment, volunteer, or employment status.

1284 3. If the sexual offender's place of residence is a motor  
1285 vehicle, trailer, mobile home, or manufactured home, as defined  
1286 in chapter 320, the sexual offender shall also provide the  
1287 vehicle identification number; the license tag number; the  
1288 registration number; and a description, including color scheme,  
1289 of the motor vehicle, trailer, mobile home, or manufactured  
1290 home. If the sexual offender's place of residence is a vessel,  
1291 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1292 sexual offender shall also provide the hull identification  
1293 number; the manufacturer's serial number; the name of the  
1294 vessel, live-aboard vessel, or houseboat; the registration  
1295 number; and a description, including color scheme, of the  
1296 vessel, live-aboard vessel or houseboat.

1297 4. Any sexual offender who fails to report in person as  
1298 required at the sheriff's office, ~~or~~ who fails to respond to any  
1299 address verification correspondence from the department within 3  
1300 weeks of the date of the correspondence, ~~or~~ who fails to report  
1301 all electronic mail addresses or Internet identifiers prior to  
1302 use or instant message names, or who knowingly provides false  
1303 registration information by act or omission commits a felony of  
1304 the third degree, punishable as provided in s. 775.082, s.  
1305 775.083, or s. 775.084.

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1306 Section 7. Paragraph (a) of subsection (3) of section  
1307 985.481, Florida Statutes, is amended to read:

1308 985.481 Sexual offenders adjudicated delinquent;  
1309 notification upon release.-

1310 (3) (a) The department shall ~~must~~ provide information  
1311 regarding any sexual offender who is being released after  
1312 serving a period of residential commitment under the department  
1313 for any offense, as follows:

1314 1. The department shall ~~must~~ provide the sexual offender's  
1315 name, any change in the offender's name by reason of marriage or  
1316 other legal process, and any alias, if known; the correctional  
1317 facility from which the sexual offender is released; the sexual  
1318 offender's social security number, race, sex, date of birth,  
1319 height, weight, and hair and eye color; the make, model, color,  
1320 registration number, and license tag number of all vehicles  
1321 owned by the sexual offender and all vehicles that are owned by  
1322 a person who resides at the sexual offender's residence and that  
1323 may be operated by the sexual offender, if known; address of any  
1324 planned permanent residence or temporary residence, within the  
1325 state or out of state, including a rural route address and a  
1326 post office box; if no permanent or temporary address, any  
1327 transient residence within the state; address, location or  
1328 description, and dates of any known future temporary residence  
1329 within the state or out of state; date and county of disposition  
1330 and each crime for which there was a disposition; a copy of the  
1331 offender's fingerprints and a digitized photograph taken within  
1332 60 days before release; the date of release of the sexual  
1333 offender; all and home telephone numbers number and any cellular  
1334 telephone numbers; information about any professional licenses

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1335 the offender has, if known; and passport information, if he or  
 1336 she has a passport, and, if he or she is an alien, information  
 1337 about documents establishing his or her immigration status  
 1338 number. The department shall notify the Department of Law  
 1339 Enforcement if the sexual offender escapes, absconds, or dies.  
 1340 If the sexual offender is in the custody of a private  
 1341 correctional facility, the facility shall take the digitized  
 1342 photograph of the sexual offender within 60 days before the  
 1343 sexual offender's release and also place it in the sexual  
 1344 offender's file. If the sexual offender is in the custody of a  
 1345 local jail, the custodian of the local jail shall register the  
 1346 offender within 3 business days after intake of the offender for  
 1347 any reason and upon release, and shall notify the Department of  
 1348 Law Enforcement of the sexual offender's release and provide to  
 1349 the Department of Law Enforcement the information specified in  
 1350 this subparagraph and any information specified in subparagraph  
 1351 2. which the Department of Law Enforcement requests.

1352 2. The department may provide any other information  
 1353 considered necessary, including criminal and delinquency  
 1354 records, when available.

1355 Section 8. Subsection (4) and paragraph (b) of subsection  
 1356 (13) of section 985.4815, Florida Statutes, are amended to read:

1357 985.4815 Notification to Department of Law Enforcement of  
 1358 information on juvenile sexual offenders.—

1359 (4) A sexual offender, as described in this section, who is  
 1360 under the supervision of the department but who is not committed  
 1361 shall ~~must~~ register with the department within 3 business days  
 1362 after adjudication and disposition for a registrable offense and  
 1363 otherwise provide information as required by this subsection.

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1364 (a) The sexual offender shall provide his or her name; date  
 1365 of birth; social security number; race; sex; height; weight;  
 1366 hair and eye color; tattoos or other identifying marks; the  
 1367 make, model, color, registration number, and license tag number  
 1368 of all vehicles that are owned by the sexual offender and all  
 1369 vehicles that are owned by a person who resides at the sexual  
 1370 offender's resides and that may be used by the sexual offender;  
 1371 permanent or legal residence and address of temporary residence  
 1372 within the state or out of state while the sexual offender is in  
 1373 the care or custody or under the jurisdiction or supervision of  
 1374 the department in this state, including any rural route address  
 1375 or post office box; if no permanent or temporary address, any  
 1376 transient residence; address, location or description, and dates  
 1377 of any current or known future temporary residence within the  
 1378 state or out of state; and the name and address of each school  
 1379 attended. The sexual offender shall also produce his or her  
 1380 passport, if he or she has a passport, and, if he or she is an  
 1381 alien, shall produce or provide information about documents  
 1382 establishing his or her immigration status. The offender shall  
 1383 also provide information about any professional licenses he or  
 1384 she has. The department shall verify the address of each sexual  
 1385 offender and shall report to the Department of Law Enforcement  
 1386 any failure by a sexual offender to comply with registration  
 1387 requirements.

1388 (b) If the sexual offender is enrolled, employed,  
 1389 volunteering, or carrying on a vocation at an institution of  
 1390 higher education in this state, the sexual offender shall  
 1391 provide the name, address, and county of each institution,  
 1392 including each campus attended, and the sexual offender's

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1393 enrollment, volunteer, or employment status. Each change in  
 1394 enrollment, volunteer, or employment status ~~must~~ shall be  
 1395 reported to the department within 48 hours after the change in  
 1396 status. The department shall promptly notify each institution of  
 1397 the sexual offender's presence and any change in the sexual  
 1398 offender's enrollment, volunteer, or employment status.

1399 (13)

1400 (b) The sheriff's office may determine the appropriate  
 1401 times and days for reporting by the sexual offender, which must  
 1402 ~~shall~~ be consistent with the reporting requirements of this  
 1403 subsection. Reregistration must ~~shall~~ include any changes to the  
 1404 following information:

1405 1. Name; social security number; age; race; sex; date of  
 1406 birth; height; weight; hair and eye color; fingerprints; palm  
 1407 prints; address of any permanent residence and address of any  
 1408 current temporary residence, within the state or out of state,  
 1409 including a rural route address and a post office box; if no  
 1410 permanent or temporary address, any transient residence;  
 1411 address, location or description, and dates of any current or  
 1412 known future temporary residence within the state or out of  
 1413 state; passport information, if he or she has a passport, and,  
 1414 if he or she is an alien, information about documents  
 1415 establishing his or her immigration status; name and address of  
 1416 each school attended; date and place of any employment; the  
 1417 ~~vehicle~~ make, model, color, registration number, and license tag  
 1418 number of all vehicles that are owned by the sexual offender and  
 1419 all vehicles that are owned by a person who resides at the  
 1420 sexual offender's residence and that may be used by the sexual  
 1421 offender; fingerprints; and photograph. A post office box may

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1422 ~~shall~~ not be provided in lieu of a physical residential address.  
 1423 The offender shall also provide information about any  
 1424 professional licenses he or she has.

1425 2. If the sexual offender is enrolled, employed,  
 1426 volunteering, or carrying on a vocation at an institution of  
 1427 higher education in this state, the sexual offender shall also  
 1428 provide to the department the name, address, and county of each  
 1429 institution, including each campus attended, and the sexual  
 1430 offender's enrollment, volunteer, or employment status.

1431 3. If the sexual offender's place of residence is a motor  
 1432 vehicle, trailer, mobile home, or manufactured home, as defined  
 1433 in chapter 320, the sexual offender shall also provide the  
 1434 vehicle identification number; the license tag number; the  
 1435 registration number; and a description, including color scheme,  
 1436 of the motor vehicle, trailer, mobile home, or manufactured  
 1437 home. If the sexual offender's place of residence is a vessel,  
 1438 live-aboard vessel, or houseboat, as defined in chapter 327, the  
 1439 sexual offender shall also provide the hull identification  
 1440 number; the manufacturer's serial number; the name of the  
 1441 vessel, live-aboard vessel, or houseboat; the registration  
 1442 number; and a description, including color scheme, of the  
 1443 vessel, live-aboard vessel, or houseboat.

1444 4. Any sexual offender who fails to report in person as  
 1445 required at the sheriff's office, ~~or~~ who fails to respond to any  
 1446 address verification correspondence from the department within 3  
 1447 weeks after the date of the correspondence, or who knowingly  
 1448 provides false registration information by act or omission  
 1449 commits a felony of the third degree, punishable as provided in  
 1450 ss. 775.082, 775.083, and 775.084.

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1451 Section 9. Paragraphs (g) and (i) of subsection (3) of  
 1452 section 921.0022, Florida Statutes, are amended to read:  
 1453 921.0022 Criminal Punishment Code; offense severity ranking  
 1454 chart.—  
 1455 (3) OFFENSE SEVERITY RANKING CHART  
 1456 (g) LEVEL 7  
 1457

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in

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1462 serious bodily injury.

402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic

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			medicine without a	
			license.	
1469				
	460.411(1)	3rd	Practicing chiropractic	
			medicine without a	
			license.	
1470				
	461.012(1)	3rd	Practicing podiatric	
			medicine without a	
			license.	
1471				
	462.17	3rd	Practicing naturopathy	
			without a license.	
1472				
	463.015(1)	3rd	Practicing optometry	
			without a license.	
1473				
	464.016(1)	3rd	Practicing nursing without	
			a license.	
1474				
	465.015(2)	3rd	Practicing pharmacy	
			without a license.	
1475				
	466.026(1)	3rd	Practicing dentistry or	
			dental hygiene without a	
			license.	
1476				
	467.201	3rd	Practicing midwifery	
			without a license.	

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1477				
	468.366	3rd	Delivering respiratory	
			care services without a	
			license.	
1478				
	483.828(1)	3rd	Practicing as clinical	
			laboratory personnel	
			without a license.	
1479				
	483.901(9)	3rd	Practicing medical physics	
			without a license.	
1480				
	484.013(1)(c)	3rd	Preparing or dispensing	
			optical devices without a	
			prescription.	
1481				
	484.053	3rd	Dispensing hearing aids	
			without a license.	
1482				
	494.0018(2)	1st	Conviction of any	
			violation of ss. 494.001-	
			494.0077 in which the	
			total money and property	
			unlawfully obtained	
			exceeded \$50,000 and there	
			were five or more victims.	
1483				
	560.123(8)(b)1.	3rd	Failure to report currency	
			or payment instruments	

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			exceeding \$300 but less than \$20,000 by a money services business.	
1484	560.125(5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	
1485	655.50(10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	
1486	775.21(10) (a)	3rd	Sexual predator; failure to register; failure to renew <u>driver</u> <del>driver's</del> license or identification card; other registration violations.	
1487	775.21(10) (b)	3rd	Sexual predator working where children regularly congregate.	
1488	775.21(10) (g)	3rd	Failure to report or providing false	

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			information about a sexual predator; harbor or conceal a sexual predator.	
1489	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	
1490	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	
1491	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	
1492	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	
1493	784.045(1) (a) 1.	2nd	Aggravated battery; intentionally causing	

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			great bodily harm or	
			disfigurement.	
1494	784.045(1)(a)2.	2nd	Aggravated battery; using	
			deadly weapon.	
1495	784.045(1)(b)	2nd	Aggravated battery;	
			perpetrator aware victim	
			pregnant.	
1496	784.048(4)	3rd	Aggravated stalking;	
			violation of injunction or	
			court order.	
1497	784.048(7)	3rd	Aggravated stalking;	
			violation of court order.	
1498	784.07(2)(d)	1st	Aggravated battery on law	
			enforcement officer.	
1499	784.074(1)(a)	1st	Aggravated battery on	
			sexually violent predators	
			facility staff.	
1500	784.08(2)(a)	1st	Aggravated battery on a	
			person 65 years of age or	
			older.	
1501	784.081(1)	1st	Aggravated battery on	

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			specified official or	
			employee.	
1502	784.082(1)	1st	Aggravated battery by	
			detained person on visitor	
			or other detainee.	
1503	784.083(1)	1st	Aggravated battery on code	
			inspector.	
1504	787.06(3)(a)	1st	Human trafficking using	
			coercion for labor and	
			services.	
1505	787.06(3)(e)	1st	Human trafficking using	
			coercion for labor and	
			services by the transfer	
			or transport of any	
			individual from outside	
			Florida to within the	
			state.	
1506	790.07(4)	1st	Specified weapons	
			violation subsequent to	
			previous conviction of s.	
			790.07(1) or (2).	
1507	790.16(1)	1st	Discharge of a machine gun	
			under specified	

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1508			circumstances.	
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.	
1509				
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	
1510				
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	
1511				
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.	
1512				
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.	
1513				

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	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.	
1514				
	796.03	2nd	Procuring any person under <u>18</u> <del>16</del> years for prostitution.	
1515				
	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.	
1516				
	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.	
1517				
	806.01(2)	2nd	Maliciously damage structure by fire or explosive.	
1518				
	810.02(3)(a)	2nd	Burglary of occupied	



	2-00528B-14		2014528__	
			dwelling; unarmed; no assault or battery.	
1519	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.	
1520	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.	
1521	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.	
1522	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.	
1523	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.	
1524	812.014(2)(b)3.	2nd	Property stolen, emergency	

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	2-00528B-14		2014528__	
			medical equipment; 2nd degree grand theft.	
1525	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.	
1526	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.	
1527	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	
1528	812.131(2)(a)	2nd	Robbery by sudden snatching.	
1529	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.	
1530	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.	
1531				

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	2-00528B-14		2014528	
1532	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.	
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.	
1533	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.	
1534	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.	
1535	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.	
1536	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	2-00528B-14		2014528	
1537	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.	
1538	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.	
1539	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.	
1540	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.	
1541	838.015	2nd	Bribery.	
1542	838.016	2nd	Unlawful compensation or reward for official behavior.	
1543	838.021 (3) (a)	2nd	Unlawful harm to a public	

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	2-00528B-14		2014528__
			servant.
1544	838.22	2nd	Bid tampering.
1545	843.0855(2)	3rd	Impersonation of a public officer or employee.
1546	843.0855(3)	3rd	Unlawful simulation of legal process.
1547	843.0855(4)	3rd	Intimidation of a public officer or employee.
1548	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1549	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1550	872.06	2nd	Abuse of a dead human body.
1551	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	2-00528B-14		2014528__
1552	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
1553	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
1554	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for

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religious services or a  
specified business site.

1555

893.13(4)(a)

1st

Deliver to minor cocaine  
(or other s. 893.03(1)(a),  
(1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)4.  
drugs).

1556

893.135(1)(a)1.

1st

Trafficking in cannabis,  
more than 25 lbs., less  
than 2,000 lbs.

1557

893.135  
(1)(b)1.a.

1st

Trafficking in cocaine,  
more than 28 grams, less  
than 200 grams.

1558

893.135  
(1)(c)1.a.

1st

Trafficking in illegal  
drugs, more than 4 grams,  
less than 14 grams.

1559

893.135(1)(d)1.

1st

Trafficking in  
phencyclidine, more than  
28 grams, less than 200  
grams.

1560

893.135(1)(e)1.

1st

Trafficking in  
methaqualone, more than  
200 grams, less than 5

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kilograms.

1561

893.135(1)(f)1.

1st

Trafficking in  
amphetamine, more than 14  
grams, less than 28 grams.

1562

893.135  
(1)(g)1.a.

1st

Trafficking in  
flunitrazepam, 4 grams or  
more, less than 14 grams.

1563

893.135  
(1)(h)1.a.

1st

Trafficking in gamma-  
hydroxybutyric acid (GHB),  
1 kilogram or more, less  
than 5 kilograms.

1564

893.135  
(1)(j)1.a.

1st

Trafficking in 1,4-  
Butanediol, 1 kilogram or  
more, less than 5  
kilograms.

1565

893.135  
(1)(k)2.a.

1st

Trafficking in  
Phenethylamines, 10 grams  
or more, less than 200  
grams.

1566

893.1351(2)

2nd

Possession of place for  
trafficking in or  
manufacturing of  
controlled substance.

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1567	2-00528B-14	2014528__	
	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1568			
	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1569			
	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1570			
	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1571			
	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
1572			
	943.0435(13)	3rd	Failure to report or

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	2-00528B-14	2014528__	
			providing false information about a sexual offender; harbor or conceal a sexual offender.
1573			
	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; <u>providing false registration information.</u>
1574			
	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
1575			
	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1576			
	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1577			
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to

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2-00528B-14		2014528__	
			address verification; <u>providing false</u> <u>registration information.</u>
1578	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1579	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1580	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; <u>providing false</u> <u>registration information.</u>
1581	(i) LEVEL 9		
1582	Florida	Felony	
1583	Statute	Degree	Description
1584	316.193	1st	DUI manslaughter; failing to render aid or give information.
1585	(3)(c)3.b.		

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2-00528B-14		2014528__	
1586	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
1587	409.920 (2)(b)1.c.	1st	Medicaid provider fraud; \$50,000 or more.
	499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
1588	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1589	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1590	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1591	775.0844	1st	Aggravated white collar crime.
1592	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1593			

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	2-00528B-14		2014528__
1594	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
1595	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
1596	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
1597	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
1598	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
1599	787.02(3)(a)	1st, <u>PBL</u>	False imprisonment; child under age 13; perpetrator also commits

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	2-00528B-14		2014528__
1600			aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
1601	787.06(3)(g)	1st,PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
1602	787.06(4)	1st	Selling or buying of minors into human trafficking.
1603	790.161	1st	Attempted capital destructive device offense.
1604	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
1605	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
1606	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12

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years.

1607

794.011(4)

1st

Sexual battery; victim 12 years or older, certain circumstances.

1608

794.011(8)(b)

1st

Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

1609

794.08(2)

1st

Female genital mutilation; victim younger than 18 years of age.

1610

796.035

1st

Selling or buying of minors into prostitution.

1611

800.04(5)(b)

Life

Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

1612

812.13(2)(a)

1st,PBL

Robbery with firearm or other deadly weapon.

1613

812.133(2)(a)

1st,PBL

Carjacking; firearm or other deadly weapon.

1614

812.135(2)(b)

1st

Home-invasion robbery with weapon.

1615

817.535(3)(b)

1st

Filing false lien or other

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unauthorized document; second or subsequent offense; property owner is a public officer or employee.

1616

817.535(4)(a)2.

1st

Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

1617

817.535(5)(b)

1st

Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.

1618

817.568(7)

2nd,  
PBL

Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.

1619

827.03(2)(a)

1st

Aggravated child abuse.

1620

847.0145(1)

1st

Selling, or otherwise transferring custody or control, of a minor.

1621

847.0145(2)

1st

Purchasing, or otherwise obtaining custody or control, of a minor.

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1622 859.01 1st Poisoning or introducing bacteria,  
radioactive materials, viruses, or  
chemical compounds into food,  
drink, medicine, or water with  
intent to kill or injure another  
person.

1623 893.135 1st Attempted capital trafficking  
offense.

1624 893.135(1)(a)3. 1st Trafficking in cannabis, more than  
10,000 lbs.

1625 893.135 1st Trafficking in cocaine, more than  
(1)(b)1.c. 400 grams, less than 150  
kilograms.

1626 893.135 1st Trafficking in illegal drugs, more  
(1)(c)1.c. than 28 grams, less than 30  
kilograms.

1627 893.135 1st Trafficking in phencyclidine, more  
(1)(d)1.c. than 400 grams.

1628 893.135 1st Trafficking in methaqualone, more  
(1)(e)1.c. than 25 kilograms.

1629 893.135 1st Trafficking in amphetamine, more

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1630 (1)(f)1.c. than 200 grams.

893.135 1st Trafficking in gamma-  
(1)(h)1.c. hydroxybutyric acid (GHB), 10  
kilograms or more.

1631 893.135 1st Trafficking in 1,4-Butanediol, 10  
(1)(j)1.c. kilograms or more.

1632 893.135 1st Trafficking in Phenethylamines,  
(1)(k)2.c. 400 grams or more.

1633 896.101(5)(c) 1st Money laundering, financial  
instruments totaling or exceeding  
\$100,000.

1634 896.104(4)(a)3. 1st Structuring transactions to evade  
reporting or registration  
requirements, financial  
transactions totaling or exceeding  
\$100,000.

1635

1636 Section 10. This act shall take effect October 1, 2014.

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/13/14

Meeting Date

Topic \_\_\_\_\_

Bill Number 528  
(if applicable)

Name GAIL COLLETTA

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title PRESIDENT FLORIDA ACTION COMMITTEE

Address 7054 PALAZZO REALE  
Street

Phone 561 305 4959

Boynton Blk FL 33437  
City State Zip

E-mail gail@floridaaction  
committee.org

Speaking: ☐ For ☐ Against ☒ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/13/2014

Meeting Date

Topic \_\_\_\_\_

Bill Number 528

(if applicable)

Name Brian Pitts

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title Trustee

Address 1119 Newton Ave S

Street

Phone 727/897-9291

St Petersburg

City

FL

State

33705

Zip

E-mail justice2jesus@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Justice-2-Jesus

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/13/14  
Meeting Date

Topic Sex offenses

Bill Number 528  
(if applicable)

Name Keri Silver

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address PO Box 1565  
Street

Phone 850-524-2394

Tallahassee FL 32302  
City State Zip

E-mail Keri@raybornconsultants.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Sheriffs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/13/14  
Meeting Date

Topic SB 528 Bill Number SB 528  
Name Dr. Suzanne Kline (if applicable)  
Job Title Expert Consultant / Former Admin (if applicable)  
Address 1282 Timberlane Rd Sexually Violent Predator Program  
Street Phone (800) 321-4075  
City Tally, FL State 32310 Zip  
Speaking: ☒ For ☐ Against ☒ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/13/2014

*Meeting Date*

Topic Sex Offenses

Bill Number SB 528  
*(if applicable)*

Name Mary Coffee

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Planning and Policy Administrator

Address 2331 Phillips Road  
*Street*  
Tallahassee FL 32308  
*City State Zip*

Phone 850-410-8784

E-mail marycoffee@fdle.state.fl.us

Speaking: ☐ For ☐ Against ☒ Information

Representing Florida Department of Law Enforcement

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/20/11)

# CourtSmart Tag Report

Room: LL 37

Caption: Senate Criminal Justice Committee

Case:

Judge:

Type:

Started: 1/13/2014 4:04:49 PM

Ends: 1/13/2014 5:01:01 PM

Length: 00:56:13

4:04:51 PM Chair Evers calls the meeting to order  
4:05:01 PM roll call  
4:05:06 PM quorum present  
4:05:32 PM SB 494 by Senator Benacquisto  
4:05:52 PM Senator Benacquisto presents bill  
4:06:49 PM Keri Silver, Florida Sheriffs Association, waives in support  
4:07:20 PM Brian Pitts, Justice-2-Jesus, speaks on bill  
4:11:00 PM Senator Benacquisto closes on bill  
4:12:17 PM roll call  
4:12:47 PM SB 494 reported as favorable  
4:13:13 PM SB 526 by Senator Bradley  
4:13:58 PM Senator Bradley explains bill  
4:14:18 PM Amendment 599744  
4:14:48 PM Without objection, show amendment adopted  
4:15:02 PM Amendment 676612  
4:15:12 PM Without objection, show amendment adopted  
4:15:31 PM Senator Smith asks question  
4:15:42 PM Senator Bradley responds  
4:16:17 PM Brian Pitts, Justice-2-Jesus, speaks on bill  
4:19:27 PM Senator Smith in debate on bill  
4:20:56 PM Chair Evers in debate on bill  
4:22:01 PM Senator Bradley waives close  
4:22:42 PM Senator Dean moves a CS  
4:22:47 PM roll call  
4:22:52 PM CS/SB 526 reported as favorable  
4:23:13 PM SB 528 by Senator Evers  
4:24:04 PM Criminal Justice committee staff explains bill  
4:26:47 PM Gail Colletta, President of Florida Action Committee, speaks on bill  
4:28:28 PM Senator Dean asks a question  
4:29:18 PM Ms. Colletta answers  
4:29:37 PM Senator Dean with a follow-up question  
4:30:13 PM Ms. Colletta responds  
4:30:51 PM Chair Evers responds  
4:31:01 PM Senator Smith clarifies the reporting is for law enforcement, not public domain  
4:31:33 PM Chair Evers responds  
4:32:28 PM Senator Gibson asks about profiling and comments on bill  
4:33:55 PM Ms. Colletta continues speaking on bill  
4:35:22 PM Senator Gibson responds  
4:36:39 PM Mary Coffee, FDLE, answers about email addresses  
4:37:38 PM Chair Evers makes comment  
4:38:36 PM Senator Simmons asks question of Ms. Colletta  
4:39:00 PM Ms. Colletta answers  
4:39:26 PM Senator Simmons with a follow-up question  
4:39:56 PM Ms. Colletta answers about what should be done to reduce recidivism  
4:41:05 PM Senator Simmons with follow-up  
4:43:12 PM Ms. Colletta answers  
4:44:36 PM Ms. Colletta refers questions to Dr. Kline  
4:45:27 PM Dr. Suzanne Kline speaks on the need for risk assessments  
4:46:15 PM Senator Simmons asks a question about residency restrictions for sex offenders  
4:47:11 PM Chair Evers asks question of staff  
4:47:21 PM Senator Simmons responds, and asks 2 more questions  
4:48:06 PM Dr. Kline answers

4:53:10 PM Senator Dean asks for clarification  
4:54:42 PM Chair Evers- What is the difference between DOC's classification and Dr. Kline's?  
4:55:14 PM Dr. Kline answers  
4:55:40 PM Follow-up from Senator Dean  
4:55:50 PM Dr. Kline answers  
4:56:47 PM Senator Dean responds  
4:58:26 PM Chair Evers  
4:59:33 PM Close on bill  
5:00:15 PM roll call  
5:00:18 PM SB 528 reported as favorable  
5:00:36 PM Senator Gibson moves we rise





## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Military Affairs, Space, and Domestic Security, *Chair*  
Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on Finance and Tax  
Children, Families, and Elder Affairs  
Criminal Justice  
Environmental Preservation and Conservation

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

**SENATOR THAD ALTMAN**  
16th District

January 13, 2014

The Honorable Greg Evers, Chair  
Senate Committee on Criminal Justice  
308 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chair Evers:

I respectfully request an excused absence for the Committee on Criminal Justice meeting on January 13, 2014 at 4:00 pm. Please contact me or my Legislative Assistants Rick Kendust or Selene Bruns if you have any questions.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Thad Altman".

Thad Altman

cc:

Chris Clark, Senate President Chief of Staff, 409 The Capitol  
Amanda Cannon, Staff Director, 510 Knott Building  
Sue Arnold, Committee Administrative Assistant, 510 Knott Building

TA/svb

### REPLY TO:

- ☐ 6767 North Wickham Road, Suite 211, Melbourne, Florida 32940 (321) 752-3138
- ☐ 314 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore